

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		Dean Frisbie
		Duane Gardner
		Leonard Kaner
	Town Clerk	Teresa Dean
ABSENT:	Attorney	Thomas Reed

Supervisor Balland called the Organizational Meeting to order at 4:35 p.m. and requested participation in the Pledge of Allegiance.

RESOLUTION NO. 1-05  
ATTORNEY SPALLONE HIRED FOR ADDITIONAL REPRESENTATION

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE the Town Board moves that Philip Spallone represent the Town Board members as deemed appropriate by the Town Board and Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 2-05  
ROBERTS RULES OF ORDER ADOPTED AS GUIDELINES

Resolution by: Balland  
Seconded by: Kaner

RESOLVE the Town Board adopt Robert Rules of Order, Association of Towns – State of New York Town Law Manual 2000, and Conducting Public Meetings and Public Hearings, as a guideline, and vote orally on resolutions.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 3-05  
TIME AND PLACE SET FOR TOWN BOARD WORKSHOPS

Resolution by: Fairbrother  
Seconded by: Gardner

RESOLVE the Town Board set the time and place for the Town Board and Water Board Workshop sessions the 2<sup>nd</sup> Wednesday of each month at 4:30 p.m. at the Town Hall.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 4-05  
TIME AND PLACE SET FOR WATER BOARD MEETINGS

Resolution by: Fairbrother  
Seconded by: Gardner

RESOLVE the Town Board set the time and place for the Water Board Meetings: 4<sup>th</sup> Wednesday of each month at 7:00 p.m. at the Town Hall, except for the months of November and December when the meeting will commence at 4:30 p.m., and

FURTHER RESOLVE for the month of November the meeting will be held on Tuesday, November 22, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 5-05  
TIME AND PLACE SET FOR TOWN BOARD MEETINGS

Resolution by: Fairbrother  
Seconded by: Gardner

RESOLVE the Town Board set the time and place for the Town Board Meetings: 4<sup>th</sup> Wednesday of each month at the Town Hall immediately following the Water Board meeting, except for the month of November when the meeting will be held on Tuesday, November 22, 2005 at 4:30 p.m.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 6-05  
WATER AND/OR TOWN BOARD MEETING PROCEDURES

Resolution by: Kaner

Seconded by: Fairbrother

RESOLVE the Town Board adopts the following policy for Water and/or Town Board meetings and workshops:

1. All agenda items are submitted to the Town Clerk by 10:00 a.m. the Wednesday prior to the Water and/or Town Board meeting. When a legal holiday and/or the responsible person submitting said documentation is not present, the documentation must be submitted the previous day.
2. The first item of the meeting/workshop will be Call to Order.
3. Concerns of the People will be held immediately following the Call to Order at the Town Board meeting and workshop.
4. The Workshop(s) agenda categories be as follows:
  - Reports
  - Old Business
  - Correspondence
5. The Town Board meeting agenda categories be as follows:
  - Minutes
  - Old Business
  - New Business
  - Correspondence
6. The Water Board meeting agenda categories be:
  - Old Business
  - New Business
  - Correspondence
7. All monthly, activity reports, certificate(s), and/or minutes are to be submitted to the Town Clerk Thursday prior to the Town Board Workshop.
8. Vouchers for payment must be submitted by 12:00 noon 10 days prior to the Town Board meeting (normally the third week of the month). Submittal is the responsibility of the Department Supervisors and they are responsible for vendor inquiries due to non-submittals.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 7-05  
DEPUTY TOWN SUPERVISOR APPOINTED

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board appoints Edward Fairbrother, Deputy Town Supervisor, as recommended by the Town Supervisor.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 8-05  
BOARD MEMBER COMMITTEE ASSIGNMENTS

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board Councilpersons be assigned as Liaisons to the following Boards, Commissions, and Committees:

Big Flats Library Advisory	Balland
Community Center Board	Frisbie
Emergency Preparedness	Balland, Fairbrother & Frisbie
Personnel Committee	Gardner, Fairbrother & Frisbie – Chairperson
Senior Citizens	Gardner
Youth Commission	Kaner
Zoning Board of Appeals	Kaner
Community Service Award	Kaner & Fairbrother
Re-organization Committee	Fairbrother & Gardner
Parks Commission	Fairbrother & Frisbie

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 9-05  
PLANNING BOARD COMMITTEE ASSIGNMENTS

Resolution by: Frisbie  
Seconded by: Fairbrother

RESOLVE the Town Board Councilpersons be assigned as Liaisons to the Planning Board as follows:

January through March	Kaner
April through June	Frisbie
July through September	Gardner
October through December	Fairbrother

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 10-05  
FIREWORKS COMMISSIONER APPOINTED

Resolution by: Frisbie  
Seconded by: Fairbrother

RESOLVE the Town Board appoints Duane Gardner Fireworks Commissioner.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 11-05  
HEALTH AND DENTAL INSURANCE PREMIUM

Resolution by: Frisbie  
Seconded by: Fairbrother

RESOLVE that the Town Board requires Town employees participating in health and dental insurance to pay 9.5% of the premium.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 12-05  
TOWN OFFICIAL NEWSPAPER DESIGNATED

Resolution by: Balland  
Seconded by: Gardner

RESOLVE the Town Board designates the CORNING LEADER as the Town's official newspaper.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 13-05  
SUPERVISOR DIRECTED TO PUBLISH ANNUAL REPORT

Resolution by: Balland  
Seconded by: Gardner

RESOLVE the Town Board directs the Supervisor to publish the Annual Report in the approved form.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 14-05  
BANKS DESIGNATED

Resolution by: Balland  
Seconded by: Gardner

RESOLVE the Town Board designates Chemung Canal Trust Company, Bath National Bank and JP Morgan-Chase Bank the official depositories.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 15-05  
SUPERVISOR AUTHORIZED TO INVEST TOWN FUNDS

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board authorizes the Supervisor to invest monies, not needed for immediate expenditures, according to the regulations of the State Department of Audit and Control and the investment policy adopted January 1988.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 16-05  
SUPERVISOR AUTHORIZED TO ADVANCE MONEY

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Supervisor be authorized to advance money for educational meetings or workshops as provided by General Municipal Law 77b.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 17-05  
ATTENDANCE AT EDUCATIONAL PROGRAMS AUTHORIZED

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board authorize Town Officials and employees to attend educational programs concerning Town business, as approved by the Town Board, with all legal expenses charged to the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 18-05  
ATTENDANCE AT COUNTY MUNICIPAL CLERKS MEETINGS AUTHORIZED

Resolution by: Kaner  
Seconded by: Fairbrother

RESOLVE the Town Board authorize the attendance at County Municipal Clerks meetings, as authorized in their 2005 budget, for Teresa Dean, Kim Seymour, and Robert Newlun at the Town's expense.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 19-05  
AUTHORIZATION OF OVERTIME

Resolution by: Kaner  
Seconded by: Fairbrother

RESOLVE the Town Supervisor be authorized to approve overtime pay for Town employees as setforth in the Town Employee Handbook for emergencies only.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 20-05  
AUTHORIZATION FOR PURCHASES

Resolution by: Kaner  
Seconded by: Fairbrother

RESOLVE the Town Board requires approval prior to obtaining services, parts, and other equipment for all purchases over the amount of \$1,000.00, including engineering or as otherwise provided by the Town Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 21-05  
CONTINGENCY TRANSFERS

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board requires all transfer requests exceeding \$500.00 from contingency and/or fund balance must come before the Town Board prior to obtaining services, parts, and other equipment not covered in their budget.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 22-05  
JUSTICES AND TOWN COUNCIL AUTHORIZED TO CERTIFY PAPERS

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Justices and Town Council be authorized to certify papers and documents without charge.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 23-05  
BLANKET BONDS OR BONDING AUTHORIZED FOR TOWN OFFICIALS

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE that blanket bonds or bonding be obtained for Town Officials, as required, and submit the names of Town Officers to the Insurance Agent.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 24-05  
TRAVEL JURISDICTION AUTHORIZATION

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE the Town Board requires that all travel outside of New York State and Northern Pennsylvania for the purposes of conferences and/or workshops will require previous approval by the Town Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 25-05  
MILEAGE ALLOWANCE SET

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE the Town Board set mileage at \$0.405 per mile for Town Officials and employees when using their personal vehicles for official Town business, when authorized by the Town Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 26-05  
CHEMUNG CANAL VISA, NOVA INFORMATION SYSTEMS CREDIT CARD CO., AND  
UTILITY PREPAYMENT AUTHORIZED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS in order to avoid unnecessary fees and interest it is determined that it is in the best interest of the Town to pay the Chemung Canal VISA account, Nova Information Systems Credit Card Co., and utility bills when it comes due, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Supervisor is hereby authorized to pay the Chemung Canal VISA account, Nova Information Systems Credit Card Co. and utility bills as it becomes due without prior approval of Town Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 27-05  
2005 ELECTED OFFICIAL'S SALARIES SET

Resolution by: Frisbie  
Seconded by: Gardner

RESOLVE the Town Board set the following salaries for elected officials:

Supervisor	\$28,360.00
Council Member (4)	\$ 6,564.00 each
Town Clerk	\$32,425.00
Tax Collector	\$ 6,741.00
Town Justices (2)	\$14,882.00 each

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 28-05  
EFFECTIVE DATE OF APPOINTMENTS

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board set the effective date for appointments, unless otherwise stated, as January 1, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 29-05  
WAGES SET FOR FULL TIME EMPLOYEES

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE that the Town Board set wages for full time Town employees to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook for the following:

Thomas Reed	Attorney for the Town & Water Boards	\$30,676.00/Annual
Merlyn Tiwari	Bookkeeper	28,383.00/Annual
Kimberly Seymour	Deputy Town Clerk	21,197.00/Annual
Helen Schwartz	Clerk to the Town Justice	27,556.00/Annual
Charles Coons	Director BI/Code Enforcement Office	40,197.00/Annual
Eric Corey	Building Inspector/Code Enforcement Officer Assistant	33,916.00/Annual
Nancy VanMaarseveen	Transcribing Typist for BI/CEO/Planning Board	426.00/Weekly
Nancy Reidy	Recreation Leader	26,885.00/Annual
Leon Stiles	Equipment Operator II/Drainage	706.00/Weekly
Teresa Dean	Deputy Tax Collector	462.00/Annual

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 29-05, WAGES SET FOR FULL TIME EMPLOYEES continued

Debra Knoll	Secretary I	28,111.00/Annual
Donald Gaylord	Working Foreperson	47,475.00/Annual
P. Jay Boudreau	Water System Supervisor	46,851.00/Annual
Pamela Kowulich	Senior Account Clerk	25,476.00/Annual

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 30-05  
WAGES SET FOR ASSESSOR

Resolution by: Kaner  
Seconded by: Frisbie

RESOLVE that the Town Board set wages for William Torp as Assessor for the Town of Big Flats as a full time Town employee to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook at a salary not-to-exceed \$33,521.00 annually with a term ending September 30, 2007.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 31-05  
WAGES SET FOR COMMISSIONER OF PUBLIC WORKS

Resolution by: Kaner  
Seconded by: Frisbie

RESOLVE that the Town Board set wages for Larry Wagner as Commissioner of Public Works for the Town of Big Flats as a full time Town employee to be accepted and paid when due, including normal Town benefits listed in the Employee Handbook at a salary not-to-exceed \$72,454.00 annually with an term ending December 31, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 32-05  
WAGES SET FOR PART-TIME EMPLOYEES

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE that the Town Board set wages of part-time employees to be accepted and paid when due, with the option of New York State Retirement System and Deferred Compensation; however, no Town fringe benefits, for the following:

Richard Bauer	Building Inspector, Part-time	\$11.30/Hourly
William Haner	Building Inspector, Part-time	12.80/Hourly
Dail Phelps	Clerk to the Town Justice	8.25/Hourly
Frances Decker	Clerk, Part-time	9.00/Hourly
Suzanne Brinthaup	Secretary to Supervisor and Secretary for Community Center	9.54/Hourly
Patricia Hartigan-Huten	Recreation Attendant	8.25/Hourly, not to exceed 300 hours
Judith Zimmerman	Director of Recreation, Part-time	12.90/Hourly
William Fasick	Custodian, Part-time	7.75/Hourly
Clifton Case	Custodian, Part-time	7.75/Hourly

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 33-05  
TOWN HISTORIAN APPOINTED

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE the Town Board appoints E. R. Van Etten Town Historian, at \$722.00 annually.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 34-05  
WATER BOARD SECRETARY APPOINTED

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE the Town Board appoints Teresa Dean Secretary to the Water Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 35-05  
ZONING BOARD OF APPEALS SECRETARY APPOINTED

Resolution by: Fairbrother  
Seconded by: Frisbie

RESOLVE the Town Board appoints Teresa Dean, Secretary to the Zoning Board of Appeals at \$50.00 per meeting.

CARRIED: AYES: Frisbie, Fairbrother, Kaner, Balland  
NAYS: Gardner

RESOLUTION NO. 36-05  
PLANNING BOARD SECRETARY APPOINTED

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE the Town Board appoints Nancy Van Maarseveen, Secretary to the Planning Board at a rate of 1.5 times her hourly rate set for Transcribing Typist for Building Inspector/Code Enforcement/Planning Board, per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 37-05  
YOUTH COMMISSION SECRETARY APPOINTED

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board appoints Nancy Reidy, Secretary to the Youth Commission at a rate of 1.5 times her hourly rate set for Recreation Leader, per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 38-05  
PARKS COMMISSION SECRETARY APPOINTED

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board appoints Deanne Williams, Secretary to the Parks Commission at a rate of \$30.00 per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 39-05  
EMERGENCY PREPAREDNESS SECRETARY APPOINTED

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board appoints Suzanne Brinthaup, Secretary for the Emergency Preparedness Committee at a rate of \$30.00 per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 40-05  
COMMUNITY CENTER BOARD SECRETARY APPOINTED

Resolution by: Balland  
Seconded by: Gardner

RESOLVE the Town Board appoints Suzanne Brinthaup, Secretary for the Community Center Board at the rate of \$30.00 per meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 41-05  
BOARDS AND COMMISSION APPOINTMENT

Resolution by: Balland  
Seconded by: Gardner

RESOLVE the Town Board appoints the following members to the listed Board/Commission with a term ending as specified:

James Ormiston	Planning Board	December 31, 2011
Deborah Whipple	Youth Commission	December 31, 2011
David Manchester	Zoning Board of Appeals	December 31, 2009
Patricia Keach	Senior Citizens	December 31, 2011
Robert Thorborg	Community Center Board	December 31, 2005
Robert Newlun	Community Center Board	December 31, 2005

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 42-05  
PARKS COMMISSION CHAIRPERSON APPOINTED

Resolution by: Balland  
Seconded by: Gardner

RESOLVE the Town Board appoints Sheila Dilmore as Parks Commission Chairperson for 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 43-05  
PLANNING BOARD CHAIRPERSON APPOINTED

Resolution by: Kaner  
Seconded by: Fairbrother

RESOLVE the Town Board appoints Mark Fleisher as Planning Board Chairperson for 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 44-05  
YOUTH COMMISSION CHAIRPERSON APPOINTED

Resolution by: Kaner  
Seconded by: Fairbrother

RESOLVE the Town Board appoints Robert Thorborg as Youth Commission Chairperson for 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 45-05  
ZONING BOARD OF APPEALS CHAIRPERSON APPOINTED

Resolution by: Kaner  
Seconded by: Fairbrother

RESOLVE the Town Board appoints Thomas Rhodes as Zoning Board of Appeals Chairperson for 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 46-05  
EMERGENCY PREPAREDNESS COMMITTEE CO-CHAIRPERSONS APPOINTED

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board appoints Jane King, Dean Frisbie, and Mary Ann Balland as Emergency Preparedness Committee Co-chairpersons for 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 47-05  
COMMUNITY CENTER BOARD CHAIRPERSON APPOINTED

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board appoints Vicie Rolling, 11 Somerset Drive, Chairperson for the Community Center Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 48-05  
COMPENSATION AUTHORIZED FOR BOARDS AND COMMISSIONS MEMBERS

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Chairperson of the Big Flats Planning Board, Zoning Board of Appeals, Youth Commission, Parks Commission and Community Center Board to be paid \$50.00, for each regularly scheduled monthly meeting actually attended by the Chairperson(s) and payment shall be made by a voucher and submitted to the Bookkeeper, and

BE IT FURTHER RESOLVED that each regular member of the Zoning Board of Appeals, Parks Commission, Youth Commission, and Community Center Board of the Town of Big Flats shall be paid \$15.00 for each regularly scheduled monthly meeting, Planning Board members shall be paid \$25.00 not-to-exceed 18 meetings, actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 49-05  
ALTERNATE PLANNING BOARD MEMBER APPOINTMENT APPROVED

Resolution by: Frisbie  
Seconded by: Fairbrother

WHEREAS in Resolution 213-04 the Town Board adopted Local Law #5, 2004, titled "Town of Big Flats Planning Board Law" approving the position of Alternate Planning Board member, and

WHEREAS Lance Muir is currently a member of the Planning Board Applications Committee and has consented to be the Alternate Planning Board member, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR617.5(c)(20 and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves and hereby appoints Lance Muir as the Alternate Planning Board member for a term effective immediately ending December 31, 2005, and

FURTHER RESOLVED the Town Board approves the Alternate Planning Board member shall be paid \$25.00 not-to-exceed 18 meetings, actually attended and representing the Town as a Planning Board member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 50-05  
COMPENSATION AUTHORIZED FOR BOARD OF ASSESSMENT REVIEW MEMBERS

Resolution by: Frisbie  
Seconded by: Fairbrother

RESOLVE the Town Board authorizes the Chairperson of the Big Flats Board of Assessment Review to be paid \$100.00 for each session actually attended by the Chairperson and payment shall be made by a voucher and submitted to the Bookkeeper, and

BE IT FURTHER RESOLVED that each regular member of the Board of Assessment Review members shall be paid \$50.00 for each session actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 51-05  
WAGES SET FOR ELECTION INSPECTORS

Resolution by: Balland  
Seconded by: Kaner

RESOLVE the Town Board set wages of Election Inspectors at \$75.00 per day for Primary Elections and Registration, \$100.00 per day for General Elections, \$10.00 for returning supplies to Board of Election for the four (4) sites (doubling up on those returns from Town Hall and any place else as needed), and \$10.00 per training session, plus mileage.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 52-05  
POLLING SITES FOR 2005 APPROVED

Resolution by: Balland  
Seconded by: Kaner

RESOLVE the Town Board set the Polling Site designations for the Town of Big Flats as follows:

District #1	Big Flats Community Center
District #2	Big Flats Community Center
District #3	American Baptist Church
District #4	Maranatha Bible Chapel
District #4-5	Maranatha Bible Chapel
District #5	Big Flats Community Center
District #6	Big Flats Community Center
District #7-6	Big Flats Community Center

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 53-05  
SUPERVISOR AUTHORIZED TO HIRE PERSONNEL WHEN NEEDED

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board authorize the Supervisor to hire personnel, when prudent and necessary, with the range being \$6.00 to \$8.50 per hour not-to-exceed 21 days without Town Board approval.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 54-05  
TEMPORARY STAFF SERVICES APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board authorizes the Town Supervisor to hire temporary help from the approved list of Jane King, Sheila Dilmore, Judy Kadlec, and Kay Hall at a rate of \$8.00 per hour and Deanne Williams at a rate of \$10.00 per hour as needed.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 55-05  
JUSTICES AUTHORIZED TO HIRE STENOGRAPHER

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board authorizes the Town Justices to hire a stenographer, when needed, at the prevailing rate.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 56-05  
APPOINTMENT OF RECEIVERS OF REVENUE FOR WATER DISTRICTS

Resolution by: Kaner  
Seconded by: Gardner

RESOLVE the Town Board appoints Pamela Kowulich, Suzanne Brinthaup, Mary Ann Balland, Merlyn Tiwari, Sheila Dilmore, Frances Decker, Jay Boudreau, Debra Knoll, Judy Kadlec, and Deanne Williams as Receivers of Revenue for the Water Districts.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 57-05  
COMMISSIONER OF PUBLIC WORKS PURCHASES AMOUNT APPROVED

Resolution by: Kaner  
Seconded by: Gardner

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to make purchases up to \$5,000.00 for parts, services, and other equipment for use in the Department of Public Works, as necessary, provided they are covered in the budget.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 58-05  
COMMISSIONER OF PUBLIC WORKS AUTHORIZED TO ADVERTISE FOR BIDS

Resolution by: Kaner  
Seconded by: Gardner

RESOLVE the Town Board authorizes the Commissioner of Public Works to advertise for bids on tires, salt, cinders, sand, parts and tools, as needed.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 59-05  
COMMISSIONER OF PUBLIC WORKS AUTHORIZED TO ACCEPT STATE & COUNTY  
BIDS

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Commissioner of Public Works to accept State and County bids for any and all items under State and County bid system, provided they are covered in the Highway budget; with the exception that any bid for vehicles and equipment shall be subject to prior Town Board approval.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO 60-05  
COMMISSIONER OF PUBLIC WORKS PURCHASE APPROVAL AUTHORIZED

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board authorizes the Town Supervisor or Commissioner of Public Works, where applicable; be authorized to approve purchases or services during emergencies exceeding \$1,000.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 61-05  
COMMISSIONER OF PUBLIC WORKS HIRING TEMPORARY AGENCIES AUTHORIZED

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board authorizes the hiring of people from temporary agencies be pre-approved by the Town Board, Town Supervisor or Commissioner of Public Works, where applicable.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 62-05  
AGREEMENT AUTHORIZED FOR HIGHWAY FUND SPECIAL IMPROVEMENT  
EXPENDITURES

Resolution by: Frisbie  
Seconded by: Fairbrother

RESOLVE the Town Board enter into an agreement to spend \$100,000.00 of Town Highway Funds for Special Improvements for 2005 as set forth in the list presented to the Town Board by the Highway Superintendent.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 63-05  
DEPARTMENT OF CORRECTIONAL SERVICES AGREEMENT APPROVED

Resolution by: Frisbie  
Seconded by: Fairbrother

WHEREAS the Commissioner of Public Works has requested the Town Board enter into an agreement with the Department of Correctional Services for the purpose of providing labor services for the cleaning and maintaining of Town roads, parks, ditches, drainage swales, and other applicable services as necessary, and

WHEREAS for environmental review purposes the Town Board finds the hiring of personnel to be a Type II Action and as such no environmental review is required,

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the required Agreement for calendar year 2005 with the Department of Correctional Services for the purposes of providing labor services for the cleaning and maintaining of Town roads, parks, ditches, drainage swales, and other applicable services as necessary.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 64-05  
SAFETY OFFICERS APPOINTMENT

Resolution by: Balland  
Seconded by: Gardner

WHEREAS the Town Board has determined a need to appoint safety officers for the Town of Big Flats,

BE IT THEREFORE RESOLVED the Town Board appoints Larry Wagner; Commissioner of Public Works and Chuck Coons; Director of Building Inspections / Code Enforcement Office, as Safety Officers.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 65-05  
ABERCROMBIE AGREEMENT APPROVED

Resolution by: Balland  
Seconded by: Gardner

WHEREAS the Town Assessor has requested that we retain the services of a professional to assist in the collection, administration, and control of data relating to the real property located within the Town, and

WHEREAS, John Abercrombie has proposed to furnish such services to the Town, and

WHEREAS the Town Assessor recommends and approves the contracting of Mr. Abercrombie, and

WHEREAS the administration and contracting of Town Consultants is a Type II action for purposes of SEQRA and as such no further action needs to be taken in regard to such matters.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Town Supervisor to execute a one year agreement with John Abercrombie, at the rate of pay of \$14.00 per hour, not to exceed \$10,000.00 per year, for the purposes of providing professional services to the Town Assessor in accordance with the terms and conditions of the agreement submitted herewith.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 66-05  
COMMERCIAL PROPERTY ASSESSMENT AGREEMENT WITH BRIGGS APPRAISAL  
SERVICES APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Town Board has, as recommended by the Assessor, determined it necessary to contract with Briggs Appraisal Services for the purposes of review and assessment for commercial properties located in the Town of Big Flats, and

WHEREAS the administration process of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Briggs Appraisal Services for professional services at a cost not-to-exceed \$10,000.00 contingent upon the review and approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 67-05  
CRANBERRY FOG CONTRACT APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Town Board has determined that a computer consultant is needed and has previously entered into contracts with Marc Chevalier of Cranberry Fog, and

WHEREAS a contact is necessary for the year 2005, and

WHEREAS the hiring of personnel is a Type II action for purposes of SEQRA and as such, no further action is necessary regarding the same.

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Cranberry Fog as proposed for the purpose of services for a period running from January 1, 2005 through December 31, 2005 for a total cost not-to-exceed \$15,900.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 68-05  
PETTY CASH FUNDS ESTABLISHED

Resolution by: Kaner  
Seconded by: Fairbrother

RESOLVE the Town Board establishes the following Petty Cash Funds:

Tax Collector	\$100.00
Town Clerk	\$ 50.00
Town Justices	\$ 75.00
Water District #1, #2, #3, and #4	\$ 50.00 each
Building Inspector	\$ 25.00
Department of Public Works	\$ 50.00
Community Center	\$ 50.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 69-05  
FEE SCHEDULE ADOPTED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS to alleviate any undo burden to the tax payers in the Town of Big Flats and to adequately reimburse the Town for services provided to private citizens and developers by employees of the Town, and

WHEREAS the Town has evaluated and considered the cost associated with various application reviews, variances, permits, inspections and licensing finds that the cost for the services provided by the Town are reasonable and attributable to the applicant for such considerations, review, licensing or permit, and

WHEREAS for environmental review purposes the adoption of a Fee Schedule is a Type II action under SEQRA, NYCRR part 617.5(c)(19)&(26).

BE IT THEREFORE RESOLVED that all expenses incurred by the Town relating to applications and licensing as required by the Town Code are to be paid by the applicant for such actions, and

FURTHER RESOLVED that the fees listed in this resolution are in addition to the consultant, inspection and/or legal pass-thorough fees pursuant to Local Law No. 10, 2001, Chapter 2.08 of the Town Code, and

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 69-05, FEE SCHEDULE ADOPTED continued

FURTHER RESOLVED that the following application and licensing fee schedules are hereby adopted and in effect for the listed activities or actions:

***BUILDING PERMIT APPLICATION FEE SCHEDULE***

<b><i>PROJECT TITLE</i></b>	<b><i>BASE FEE</i></b>	<b><i>ADDITIONAL FEES</i></b>
1 & 2 Family Properties	\$ 25.00	Add \$1.00 per thousand of construction cost <b>AND</b> Add \$0.06 per square foot for new construction (living space)
Multi-family and Apartments	\$ 25.00	Add \$1.00 per thousand of construction cost <b>AND</b> Add \$0.08 per square foot for new construction (living space)
<b><i>PROJECT TITLE</i></b>	<b><i>BASE FEE</i></b>	<b><i>ADDITIONAL FEES</i></b>
Commercial & Industrial	\$ 50.00	Add \$2.00 per thousand of construction cost <b>AND</b> Add \$0.02 per square foot for remodeling <b>AND</b> Add \$0.10 per square foot for new construction
Demolition and Removal Permits	\$ 20.00 \$ 50.00	Residential Commercial
Driveway / Curb Cut	\$ 10.00 \$ 50.00	Residential Commercial
Mobile Home Setup	\$ 75.00	NA
Sheds	\$ 25.00	With NO dimension larger than 16'
Swimming Pools	\$ 25.00	In ground and above ground
Signs	\$ 25.00	<b>PLUS</b> \$0.05 square foot Add \$50.00 for freestanding sign
Systems Permits (HVAC, plumbing, electric, other mechanical)	\$ 25.00 \$ 75.00	Residential Commercial
Building without a Permit	\$50.00	<b>PLUS</b> cost of permit
Permit Renewal	50% of cost of original permit	NA – renewal for 6 months.

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 69-05, FEE SCHEDULE ADOPTED continued

*APPLICATION TO THE PLANNING BOARD*

**Site Plan Review**

- Residential \$100.00 (add \$50.00 for each additional building)
- Non-Residential \$250.00 (add \$50.00 for each additional building)
- Amendment \$ 50.00

**Subdivision**

- Residential \$ 50.00 plus \$10.00 per lot over 3 lots
- Non-Residential \$100.00 plus \$10.00 per lot over 3 lots

APPLICATION FEES FOR SPECIAL PERMIT, VARIANCE, ZONING AMENDMENT	
APPLICATION	BASE FEE
<b>SPECIAL PERMIT</b>	
ALL	\$50
<b>VARIANCE</b>	
RESIDENTIAL AREA	\$45
NON-RESIDENTIAL AREA	\$100
SIGN	\$50
USE	\$150
<b>ZONING AMENDMENT</b>	
UP TO 5 ACRES	\$50
5 - 25 ACRES	\$100
25+ ACRES	\$150

# MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

OTHER PERMITS FEE SCHEDULE	
APPLICATION	BASE FEE
TIMBER HARVEST PERMIT	\$35 plus the required Performance Bond or Certified Check at the rate of \$30.00 per acre or a maximum of \$2,500 for the purposes outlined in Chapter 5.16 of the Town Code
FLOODPLAIN DEVELOPMENT PERMIT	\$25
JUNK DEALER S' LICENSE	\$50
PEDDLERS AND SOLICITORS LICENSE	\$25 plus \$10 for each additional person or vehicle used for the purposes outlined in Local Law # 8 of 2001, Chapter 5.12 of the Town Code
<b>UNREGISTERED MOTOR VEHICLE PERMIT</b>	
1 – 60 DAYS	\$25
61 – 120 DAYS	\$50
121 – 270 DAYS	\$150
271 – 365 DAYS	\$300

PHOTO COPYING FEES	
SIZE/DOCUMENTS	\$ PER PAGE
<9" X 14"	\$.25
>9" X 14", plans, Subdivision Plat, books, codes & other large documents	Actual cost of reproduction or procurement

DOG LICENSES FEES	
	FEE <sup>1</sup>
Spayed Females/Neutered Males	\$3.50
Un-spayed Females/Un-neutered Males	\$9.50

<sup>1</sup>State fees are in addition to the local fees listed in this table.

NOTE: A consultant, inspection and/or legal pass-through fee pursuant to Chapter 2.08 of the Town Code may be applicable in addition to any application fee listed in this schedule

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 70-05  
PREPAYMENT APPROVED

Resolution by: Fairbrother  
Seconded by: Gardner

RESOLVE the Town Board authorizes the following prepayments:

W.J. Farmer Insurance for Property/Casualty Insurance renewal effective January 1, 2005 through January 1, 2006	\$75,940.79
PERMA, Workers Compensation Premium	\$49,020.00
NOVA Information Systems Credit Card Co.	\$68.55
Association of Towns for 2005 Association Membership Dues	\$1,100.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 71-05  
2004 ENCUMBRANCE FUNDS APPROVED

Resolution by: Fairbrother  
Seconded by: Gardner

RESOLVE the Town Board authorizes the Court Office to rollover the 2004 unused encumbrance funds in the amount of \$3,196.00 from a 2003 grant to set up security mechanisms.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

RESOLUTION NO. 72-05  
2005 BUDGET AMENDMENT APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

RESOLVE the Town Board authorizes the following General Fund 2005 Budget Amendment:

Reduce Est. Appropriation	A960	\$74,295
Reduce Est. Revenues	A510	\$74,295

Reduce these budget accounts:

Supt of Highways	A5010.0100	\$47,014.00
Supt of Highways	A5010.0400	\$750.00
Health Insurance	A9060.0800	\$10,471.00
Disability Insurance	A9055.0800	\$60.00
NYS Retirement	A9010.0800	\$5,200.00
Workers Compensation	A9040.0800	\$7,000.00
Social Security	A9030.0800	\$3,800.00

Real Property Taxes	A1001	\$74,295.00
---------------------	-------	-------------

FURTHER RESOLVED the Town Board authorizes the following Highway Fund 2005 Budget Amendment:

Increase Est. Appropriation	D960	\$74,295
Increase Est. Revenues	D510	\$74,295

Increase these budget accounts:

General Repairs	D5010.0100	\$47,014.00
General Repairs	D5010.0400	\$750.00
Health Insurance	D9060.0800	\$10,471.00
Disability Insurance	D9055.0800	\$60.00
NYS Retirement	D9010.0800	\$5,200.00
Workers Compensation	D9040.0800	\$7,000.00
Social Security	D9030.0800	\$3,800.00

Real Property Taxes	D1001	\$74,295.00
---------------------	-------	-------------

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

Supervisor Balland reported the following:

- Chuck Coons – Director of Building Inspection and Code Enforcement has been approached by representatives for the Sykora property regarding the issuance of a building permit;

## MINUTES OF TOWN BOARD ORGANIZATIONAL MEETING OF JANUARY 5, 2005

- A memo was received from Larry Wagner, Commissioner of Public Works, recommending the Town Board consider creating a policy for addition of street lights within the Town. There have been requests for the installation of street lights at two intersections and the developers of Soaring Ridge would like to install street lighting;
- The organizational chart is being completed and will be provided to the Town Board for their review;
- Concerns have been raised as to Heritage Lane being a private road;
- A public hearing is scheduled for January 11, 2005 at 6 p.m. in the Community Center to help identify projects within the Hamlet that the Town may seek grant funding; and
- A meeting will be held on January 31, 2005 at 7:00 p.m. in the Community Center regarding the vision for Big Flats in 10 years.

### RESOLUTION NO. 73-05 78 HAMMOND STREET BUILDING PERMIT REQUEST DENIED

Resolution by: Kaner  
Seconded by: Frisbie

RESOLVED the Town Board determined that a Building Permit not be issued to the property located at 78 Hammond Street until the previously required information of an engineer study regarding the structure integrity and the report from the exterminator are received, and

FURTHER RESOLVED the Town Board will make a decision regarding the demolition at the ir meeting of January 12, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the Town Board meeting at 5:19 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

MINUTES OF TOWN BOARD SPECIAL MEETING OF JANUARY 11, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Duane Gardner  
                                  Leonard Kaner  
                                  Edward Fairbrother  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

ABSENT:           Council       Dean Frisbie

Supervisor Balland called the Town Board Special Meeting to order at 6:03 p.m. and requested participation in the Pledge of Allegiance.

RESOLUTION NO. 74-05  
SPECIAL MEETING AND PUBLIC HEARING APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Town of Big Flats has received a grant from New York State Governor's Office for Small Cities 2005 Community Development Block Grant Program, and

WHEREAS an application will be submitted on or about April 4, 2005 for a community development activity, including the administration and program delivery of such in an amount not to exceed \$650,000, and

WHEREAS a Public Hearing was held on January 11, 2005 and a second public hearing is required to obtain additional comments, and

WHEREAS the administration process of the Town is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves a special meeting for the purposes of conducting a Public Hearing on January 31, 2005 at 6:30 p.m. to be held in the Community Center.

CARRIED:   AYES: Gardner, Fairbrother, Kaner, Balland  
                  NAYS: None                           ABSENT: Frisbie

## MINUTES OF TOWN BOARD SPECIAL MEETING OF JANUARY 11, 2005

PUBLIC HEARING:                      6:00 P.M.                      New York State Governor's Office for Small Cities  
2005 Community Development Block Grant  
Program

Supervisor Balland called the public hearing to order and Attorney Reed read the legal notice duly advertised in the Elmira Star Gazette on January 4, 2005, which allowed and considered public comments on a proposed application on the needs of the jurisdiction for the Small Cities Community Development Block Grant Program application for the Town of Big Flats.

Attorney Reed explained that the Town of Big Flats would like to apply for a grant under the New York State Governor's Office for Small Cities 2005 Community Development Block Grant Program. The most we can get is \$400,000 for a single purpose grant application. The Town can apply for a grant under housing; public facility or micro enterprise – economic development. The application deadline is April 4, 2005 and the Town Board is seeking input.

### COMMENTS:

Ray Gleason, 18 Kelley Drive, asked if the grant application was for the Hamlet and he was in favor of providing funding to homeowners in the Hamlet for the purpose of improving their homes. There are a lot of houses in the Hamlet that are in need of improvements.

Betty Walker, 25 Kelley Drive, stated that she would like to see sidewalks in the Hamlet, specifically on Olcott Road South.

Since there were no further comments, Attorney Reed closed the Public Hearing at 6:14 p.m.

Supervisor Balland explained that it appears misinformation has circulated in the Hamlet, specifically for the area of Kelley Drive that the Town was going to create a housing development and extend Kelley Drive to Canal Street. During the meeting with the Town Center Committee discussions were held concerning plans to improve the bridge and road on Kahler Road; designating weight limits on bridges in the Hamlet; concerns with the manufacturing zoning in the area adjacent to the Town Hall; municipal parking; landscaping; removal of the old abandon railroad bed. However, there were no discussions of taking houses through eminent domain and construction a road.

Mr. Gleason expressed concerns with the concept plan showing the activity of development and a roadway extending off Kelley Drive. Supervisor Balland stated that this was only a concept plan and the discussion was connecting neighboring communities. Chuck Coons, Director of Building Inspection and Code Enforcement, explained that the plan is only a concept and the connection of neighborhood communities did not specifically mean roads, there were discussions of a walking path. He further explained that prior to seeking any potential grants a concept plan must be in place; therefore, with a grant received from the New York State Governor's Office for Small Cities 2004 Community Development Block Grant Program the Town of Big Flats was able to obtain funding to develop a concept plan. This plan will be used to apply for grants.

## MINUTES OF TOWN BOARD SPECIAL MEETING OF JANUARY 11, 2005

Scott Lee, 7 Kelley Drive, explained that he was in favor of connecting communities; however, was not in favor of extending Kelley Drive. The reason he purchased this house was due to the small quiet community and a good place for raising children. Councilperson Fairbrother reiterated the plan is only a concept.

Pam Farr, 119 Main Street, stated that as a member of the Town Center Committee they did not discuss putting in a road from Kelley Drive. The discussion was only connecting the neighborhoods with paths and/or just open areas.

Supervisor Balland stated that a meeting would be held on Monday – January 31, 2005 at 5:30 p.m. with the Town Center Committee, at 6:30 a public hearing to discuss the Community Development Block Grant application, and 7:00 p.m. to discuss the vision for the Town of Big Flats.

Supervisor Balland closed the special meeting at 6:43 p.m.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF JANUARY 12, 2005

PRESENT:           Supervisor    Mary Ann Balland  
                  Council       Duane Gardner  
                                  Leonard Kaner  
                                  Edward Fairbrother  
                                  Dean Frisbie  
                  Clerk        Teresa Dean

ABSENT:           Attorney     Thomas Reed

Supervisor Balland called the Town Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

### REPORTS

Bill Torp, Assessor, reported that Town of Big Flats parcels within the Horseheads School District are within the inflation rate as identified by the Consumer Price Index. With the Town Board committed to maintaining a 100% equalization rate the only effect in the change of taxes should be due to budget changes, not the equalization rate. For 2005 the Town of Big Flats tax increase was 2.76% and if the Town did not reassess the Chemung County tax increase for Big Flats parcels would have been 6%. The current plan is to continue with the 6-year plan, which requires the Town to assess a specified number of parcels per year; however, for the first year the Assessor's office has exceeded the required number of parcels. Eight hundred parcels, not including the commercial properties, have been reviewed with an increase of 3.7 million dollars to the tax roll.

The Town of Big Flats has received an "Excellence in Equity Award" from the New York State Office of Real Property Service. Mr. Torp explained that a tentative settlement has been reached with Coons Supply and World Kitchen. These settlements will be presented to the Town Board at a later date.

NOTE: Attorney Reed arrived at 4:45 p.m.

Street Lighting. Councilperson Gardner stated the committee would be meeting this evening to discuss the concerns with street lighting.

Personnel. Councilperson Fairbrother stated no reports at this time.

The following reports for December 2004 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Justice Court Monthly Report; Building Department/Code Enforcement's Monthly Report; Parks Commission Minutes; SPCA and Dog Licensing Monthly Report; and Assessor's Monthly Report.

Judith Zimmerman, Director of the Community Center, provided an overview of upcoming classes and ones planning to begin in the near future.

## MINUTES OF TOWN BOARD MEETING OF JANUARY 12, 2005

### CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, stated Community Days is funding a new garden at the Community Center that will have a bench and a paved walking area. Also, the dates for Community Days festival is June 16, 17 and 18, 2005 and fireworks will be presented. The local food bank has requested authorization to sell items at Community Days. Supervisor Balland stated that no fund raising could take place in the parks. Mr. Nicolo also asked what the status was for the funding request involving Whitney Park. Supervisor Balland stated the Parks Commission has a sub-committee that is reviewing this project. Mr. Nicolo stated that it appears there are items on the website that are outdated.

### OLD BUSINESS

Notice of Violation and Order to Repair and Remove – 78 Hammond Street, Sykora Property continued. Supervisor Balland stated a report from Cicora's Exterminating Service, dated January 7, 2005 stating that no evidence of abnormal rodents infestation was found. Also, a letter from Fagan Engineers dated January 12, 2005, regarding general observations of fire damage to the house and structure. The letter indicated the fire damage is inclusive of approximately 10 lineal feet of wall framing and ceiling joist, which are considered unsalvageable.

Mr. Philip Carey, owner of Second Chance Contracting, stated that he is representing the family who owns 78 Hammond Street and was duly authorized to represent the owners in this manner. Mr. Carey explained that according to Ms. Oliver of Fagan Engineers there are very few boards that need to be replaced and the structure is not going anywhere. Attorney Reed asked for clarification as to the structure. Mr. Carey explained that the Town concern was that the structure was unsafe; however, general observations by Fagan Engineers stated that the structure is solid and will not go anywhere. Mr. Carey stated that he does not have a building permit and will not demolish any portion of the building without a building permit. Supervisor Balland stated Mike Yedinak and Mr. Carey indicated previously that a back portion of the house was to be demolished; however, at this time it had not been removed. Mr. Carey explained he decided not to demolish that portion of the structure without a building permit.

Attorney Reed stated the Town Board needed to determine whether or not the structures are unsafe and should they be demolished. Chuck Coons, Director of Building Inspection and Code Enforcement, stated that the report from Fagan Engineers covered the same issues that were raised by the office of Code Enforcement. Mr. Carey explained what repair was required and the process that he would use to replace the joist. Attorney Reed asked if as the structures exist today is this a safe building. Mr. Coons stated that based on his findings and the report there are portions of the structure that are unsafe. Attorney Reed asked if Mr. Carey had any evidence that disputes that portion of the structure are unsafe? Mr. Carey stated that he could not dispute that and there are portions of the structure that are unsafe; however, with a building permit he could make them safe in the future.

MINUTES OF TOWN BOARD MEETING OF JANUARY 12, 2005

RESOLUTION NO. 75-05  
DEMOLITION OF THE STRUCTURES LOCATED AT 78 HAMMOND STREET  
APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Town Board has received a report from the Director of Building Inspections and Code Enforcement regarding the physical condition of the property located at 78 Hammond Street, Tax Parcel #66.04-2-19, owned by Susan Sykora, 175 Lightizer Road, Pine City, and

WHEREAS said report has been duly filed in the Town Clerk's office, and

WHEREAS the dwelling was damaged by fire in 1998, and

WHEREAS the Town Board has duly held a Public Hearing on November 23, 2004, and

WHEREAS the matter has been tabled at the consent of the Town Board at the request of representatives by the Ms. Sykora, and

WHEREAS this is a Type II action under SEQRA 6NYCRR, Part 617.5 (c) (20) and (29) and thus no environmental review is required, now

BE IT THEREFORE RESOLVED that this Board, pursuant to Chapter 15.16.060 of the Town Municipal Code, hereby affirms the order to demolish the structures located at 78 Hammond Street, remove all construction debris and fill any and all foundations to level grade, not later than February 28, 2005, and

FURTHER RESOLVED that the property owner shall secure a permit for said demolition work prior to commencement of any work, and

FURTHER RESOLVED that in the event that the owner fails to comply with this order, the Town will have the structures removed and all expenses incurred by the Town shall be borne by the property owner.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

NEW BUSINESS



MINUTES OF TOWN BOARD MEETING OF JANUARY 12, 2005

RESOLUTION NO. 76-05  
SUPPORTING RESOLUTIONS FOR 2005 TRAINING SCHOOL AT THE ASSOCIATION  
OF TOWNS MEETING APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the Town Board has received numerous resolutions from the Association of Towns to be considered at their 2005 training school, and

WHEREAS the Town Board is in agreement with the resolutions, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board of the Town of Big Flats supports the adoption of the following resolutions submitted by the Association of Towns of the State of New York:

- Resolution No. 1: Collateral Source Legislation;
- Resolution No. 2: Tort Reform;
- Resolution No. 3: Compulsory Binding Arbitration;
- Resolution No. 4: Preserve Local Control over Health Insurance Benefits;
- Resolution No. 5: Medicaid Reform;
- Resolution No. 6: Reforming WICKS Law and Prevailing Wage;
- Resolution No. 7: Retain and Bolster Volunteer Firefighter and EMS Recruitment;
- Resolution No. 8: Increase Highway Funding;
- Resolution No. 9: Address Property Tax Exemptions;
- Resolution No.10: Reform condominium Assessments;
- Resolution No.12: Voter-Verification Help America Vote Act (HAVA);
- Resolution No.13: Police Accident Report Fee Reform;
- Resolution No.14: ATV Access to Town Land and Roads;
- Resolution No.15: Reclassify ATV's to Recreational Vehicles; and
- Resolution No.16: Speed Limits on All Town Roads.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 12, 2005

RESOLUTION NO. 77-05

ATTENDANCE TO THE ASSOCIATION OF TOWNS TRAINING SCHOOL APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Association of Towns will host their annual 2005 Training School & Annual Meeting on February 20-23, 2005 for Town Officers and Government Officials, and

WHEREAS it has been determined by the Town that representatives should attend said meeting, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Tom Reed - Attorney for the Town to attend the Association of Towns conference with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 78-05

TIMBER HARVESTING ON THE SMITHOME FARMS L.P. PROPERTY APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS a Timber Harvesting Application has been received from Smithome Farms L.P. to harvest approximately 45,000 board feet of timber from approximately 10 acres of land, Tax Parcel #86.00-1-8.3, and

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will consist of a select cut of timber.
2. The timber harvesting will occur between January 1, 2005 and January 1, 2006.
3. Disturbed areas including skid trails, haul roads, and the landing area will be smoothed on completion of the logging operation and seeded with rye grass, as needed.
4. Diversion ditches and water bars as required will be installed to prevent erosion.

BE IT THEREFORE RESOLVED the application for a Timber Harvesting Permit submitted by Smithome Farms L.P. be approved as follows:

MINUTES OF TOWN BOARD MEETING OF JANUARY 12, 2005

RESOLUTION NO. 78-05, TIMBER HARVESTING ON THE SMITHOME FARMS L.P.  
PROPERTY APPROVED continued

1. The logging operation, as proposed, will involve trucks using State Route 352 west to Interstate 86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield.
2. The transport of logs may only occur between the hours of 8:00 a.m. to 9:00 p.m. daily.
3. State Route 352 shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and will be cleaned when required by the Code Enforcement Officer as a result of inspections he may perform.
4. A performance bond or certified check in the amount of \$300.00 must be posted with the Town Clerk prior to beginning the timber harvesting operation. The bond or check will be returned upon the satisfactory completion of all logging operations, compliance with the condition of this resolution, and a final inspection of the timber harvesting site by the logger involved, Foresters, the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
5. The logger shall obtain and file proof of Vehicle, General Liability Insurance, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and property damage of \$250,000 for logging operations with the Code Enforcement Officer at least two business days prior to commencing any work. Said proof of insurance must name the Town of Big Flats as additional insured and be approved by the Town Attorney prior to the commencement of work.
6. As work progresses, the logger shall install diversion ditches and/or water bars as necessary to prevent soil erosion on haul roads, skid trails, and at the landing area.
7. Upon completion of the logging operation, all skid trails, roads and landing areas shall be graded and seeded with rye grass as needed.
8. Upon completion of the harvesting activity, reclamation of the site shall be performed by the logger. Haul roads shall have water bars placed at the following intervals:

ROAD GRADE	SPACING IN FEET
2-5%	300-500 FT.
6-10%	200-300 FT.
11-15%	100-200 FT.
16 & GREATER	100 FT.

9. The logger shall notify the Code Enforcement Office within five days of completion to coordinate on-site inspections.
10. The logging site shall be subject to periodic inspections by the Code Enforcement Officer and Chemung County Soil and Water Conservation Service representatives at any time during the course of the operation. These inspections will be done during the normal working hours of the logger.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 12, 2005

RESOLUTION NO. 79-05  
MEMORANDUM OF AGREEMENT APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS CSEA and the employee in such position has requested that the Caretaker position with the Town be subject to and part of the collective bargaining unit, and

WHEREAS the Memorandum of Agreement has been written to address the terms and conditions of the Caretaker position with respect to the bargaining agreement, and

WHEREAS the Town and CSEA have reached a tentative agreement concerning the same, and

WHEREAS for environmental review purposes, Administration is a Type II action in accordance with SEQRA 6NYCRR and as such, no further action is necessary regarding same,

BE IT THEREFORE RESOLVED the Town Board hereby approves the proposed CSEA Memorandum of Agreement between the Civil Service Employee's Association, Inc. and the Town of Big Flats, and

FURTHER RESOLVED the Town Supervisor is hereby authorized to sign same upon receipt of an executed copy from the CSEA.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 80-05  
PARKS COMMISSION MEMBER APPOINTMENT APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

RESOLVE the Town Board appoints Deanne Williams to the Parks Commission with a term ending December 31, 2011.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

CORRESPONDENCE

Election Results/BF Fire District No. 1. A letter was received from Big Flats Fire District No. 1, dated December 17, 2004, stating that the annual election result for Fire Commissioner with a term beginning January 1, 2005 were Mark Sozanski for a five year term, Mark Chaborek for a two year term, and Kazandra Reynolds for a one year term.

## MINUTES OF TOWN BOARD MEETING OF JANUARY 12, 2005

2005 PILOTS. A list of the 2005 Payment-In-Lieu-of-Tax was received from the Chemung County Office of Real Property Service.

Active Timber Harvesting Permit Update. A memo was received from William Haner, dated December 29, 2004, providing an update of the active Timber Harvesting permits within the Town of Big Flats.

Repeal of Fine Distribution/ NYS Comptroller. A letter was received from the Office of the State Comptroller, dated December 20, 2004, informing the Town of the repeal of the fine distribution method and local surcharge authority.

Excellence in Equity Award/NY ORPS. A letter was received from the Office of Real Property Service, dated January 5, 2005, informing the Town Supervisor that the Town of Big Flats has qualified for the New York State Office of Real Property Services' Excellence in Equity Award.

Supervisor Balland stated that a meeting would be held on Monday – January 31, 2005 at 5:30 p.m. with the Town Center Committee, at 6:30 a public hearing to discuss the Community Development Block Grant application, and 7:00 p.m. to discuss the vision for the Town of Big Flats.

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 5:23 p.m. All in favor. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF JANUARY 26, 2005

PRESENT:           Supervisor    Mary Ann Balland  
                  Council       Duane Gardner  
                                  Leonard Kaner  
                                  Edward Fairbrother  
                                  Dean Frisbie  
                  Clerk        Teresa Dean

ABSENT:           Attorney     Thomas Reed

Supervisor Balland called the Town Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

PRESENTATION: ECHO TAPS. Mr. Wesley Jones, Directory of the VA Medical Center/Bath National Cemetery, stated that an Echo Taps is being held on Saturday, May 21, 2005. The opening ceremony will take place in Woodlawn Cemetery and the first note will begin at 11:00 a.m. with five (5) second intervals. A line of volunteers performing for Echo Taps will stretch from Woodlawn Cemetery to Bath New York. If someone is interested in performing and/or volunteering they can obtain additional information at website [www.echotaps.org](http://www.echotaps.org).

### MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of December 29, 2004 as presented. All in favor, motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of January 5, 2005 as presented. All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of January 11, 1005 with corrections to page 2, paragraph 6, fifth line "bridge" should be "roads" and line seven "abandon" should be "abandoned". All in favor, motion carried.

### COMMITTEE REPORTS

Organizational Chart. Councilperson Fairbrother stated that this item is still under discussion.

Supervisor Balland reported the following:

- Lighting Policy – being reviewed;
- Park Policy/Fund Raising – Resolution No. 222-80 was adopted by the Town Board regarding this issue and remains in effect;
- RAMS – a copy of the STAND energy presentation was provided to the Town Board;
- Fortuna – Representatives indicated that Reynolds Park is located within the grid for a gas well and it appears money would be provided to the Town;
- Community Center – a sprinkler head was leaking and has been repaired;
- Computers – the Town Board needs to consider a new anti virus program and Councilperson Fairbrother is reviewing the concern and will provide a report to the Town Board; and
- Website – a Supervisor's corner has been installed with monthly updates.

## MINUTES OF TOWN BOARD MEETING OF JANUARY 26, 2005

### CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, asked if the legal notices would be in the Star Gazette. Supervisor Balland stated that the official newspaper is the Corning Leader and all legal notices will be published in the Corning Leader, not the Star Gazette. Mr. Nicolo stated that a brief review of Resolution No. 222-80 would allow a local food bank to sell items at Community Days. Supervisor Balland referred Mr. Nicolo to item number two, which only grants Community Days, Inc., Little League and Cinderella permission.

### OLD BUSINESS

#### RESOLUTION NO. 81-05

#### SETTLEMENT OF THE TAX CERTIORARI FOR STEVEN J. COONS APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS Steven J. Coons commenced an Article 78 proceeding challenging the tax assessment of 3344 State Route 352 in the Town of Big Flats, bearing caption "Steven J. Coons v. Town of Big Flats, the Board of Assessment Review for the Town of Big Flats, County of Chemung", Index No. 2000-1982, 2001-1932, 2002-1940, and 2003-2016, and

WHEREAS the parties have reached a tentative settlement of all such proceedings by way of a Settlement Agreement, a copy of which is duly filed with the Town Clerk, a summary of which is as follows:

- 1) The proceeding bearing Index No. 2000-1982 is withdrawn without any change in the assessment for such parcel occurring as a result thereof and thus tax year 2001 shall not be affected;
- 2) The assessment on such property shall be set at \$280,000.00 for tax years 2002, 2003, 2004 and 2005 and shall remain on the parcel for the next succeeding three (3) tax years;
- 3) The parties hereby covenant and agree that refunds for tax years 2002, 2003, 2004 and 2005 shall be fully distributed to petitioner without interest being assessed thereon.

WHEREAS this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein, and

WHEREAS the Assessor and the Attorney for the Town have reviewed and recommend said settlement, now

BE IT THEREFORE RESOLVED that the Town Board approves and authorizes the proposed settlement as more fully set forth above and hereby authorizes the Attorney for the Town to execute the applicable legal papers to effectuate the same with the corresponding refunds approved.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 26, 2005

Sykora Property Agreement Proposal. Supervisor Balland stated this item was tabled; however, provided the Town Board with a copy of an outline regarding the correspondence, meetings, etc. pertaining to the Sykora property and a bi-weekly plan for repairs submitted by Second Chance Contracting. She also stated there has been discussions with the property owner to enter into an agreement authorizing repairs based upon certain criteria until June 2005. This would be a Town Board decision. It was the consensus of the Town Board that they continue with the adopted condemnation resolution.

NEW BUSINESS

RESOLUTION NO. 82-05

CHARLES COONS ATTENDANCE TO FLBOA CONFERENCE APPROVED

Resolution by: Gardner

Seconded by: Frisbie

WHEREAS the Finger Lakes Building Officials (FLBOA) conference is a training conference for Code Enforcement Officers, and

WHEREAS New York State requires code officials to obtain 24 credit hours of training to maintain state certification, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Charles Coons, Director of Building Inspection/Code Enforcement, to attend the FLBOA conference with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 83-05

SECRETARY FOR THE ZONING BOARD OF APPEALS RESIGNATION APPROVED

Resolution by: Gardner

Seconded by: Frisbie

WHEREAS a letter was received from Teresa Dean, dated January 20, 2005, stating her resignation as Secretary for the Zoning Board of Appeals as of January 26, 2005, and

WHEREAS this is an administrative action and for environmental purposes is a Type II Action in accordance with SEQRA 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now



MINUTES OF TOWN BOARD MEETING OF JANUARY 26, 2005

RESOLUTION NO. 83-05, SECRETARY FOR THE ZONING BOARD OF APPEALS  
RESIGNATION APPROVED continued

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Teresa Dean as Secretary for the Zoning Board of Appeals effective January 26, 2005 and request the Town Supervisor send a letter of appreciation.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

Class Instructor Contract Proposal. This item was tabled.

Councilperson Kaner thanked Teresa Dean, former secretary for the Zoning Board of Appeals, for her time as the secretary.

RESOLUTION NO. 84-05  
2004 ACCOUNT PAYABLES APPROVED

Resolution by: Frisbie  
Seconded by: Fairbrother

RESOLVE the Town Board approve the following 2004 Account Payables:

GENERAL FUND

Dorothy Andrewlavage	A6772.0400	\$ 120.00
BARCO Products Company	A7140.0400	\$ 936.00
CC Solid Waste Management	A8160.0400	\$ 35.15
Cider Mill	A7140.0400	\$ 225.00
Chemung Canal Trust Co.	A7140.0400	\$ 482.89 and
	A8021.0400	\$ 10.99 and
	A1355.0400	\$ 8.94 and
	A7110.0400	\$ 512.81 and
	A7140.0400	\$ 496.44 and
	A1490.0400	\$ 49.99
Chemung Supply Corp.	A3310.0400	\$ 84.80 and
	A8540.0400	\$ 195.01
Crucial Technology	A8021.0400	\$ 87.99
Finger Lakes HVAC&R	A1620.0400	\$ 817.74
Harris Beach LLP	A1420.0400	\$ 323.78
Highway, Big Flats	A8021.0400	\$ 753.47 and
	A7110.0400	\$3,052.23 and
	A8540.0400	\$2,313.81
Horseheads Do It Center	A7110.0400	\$ 44.47
Rita Rhodes Kapron	A6772.0400	\$ 225.00
NYS Unemployment Ins.	A9050.0800	\$ 124.63
Norfolk Southern Corp.	A1620.0400	\$2,573.85
Proforma	A1220.0400	\$ 60.39

# MINUTES OF TOWN BOARD MEETING OF JANUARY 26, 2005

## RESOLUTION NO. 84-05, 2004 ACCOUNT PAYABLES APPROVED continued

SDS of NY	A8160.0400	\$ 100.87
Staples	A7140.0400	\$ 103.42
Gannett Central New York	A8010.0400	\$ 19.43
Town Clerk, Petty Cash	A1255	\$ 93.44
Vasco Brands, Inc.	A7140.0400	\$ 132.44
Verizon Wireless	A8021.0400	\$ 51.53 and
	A1355.0400	\$ 19.08 and
	A7310.0400	\$ 18.99

### HIGHWAY FUNDS

ACI Supply Co.	D5130.0400	\$ 141.02
Albee Truck Inc.	D5130.0400	\$ 117.20
Applied Industrial Tech.	D5130.0400	\$ 19.80
Beam Mack Sales & Service	D5130.0400	\$ 52.57
Bill's Locksmithing	D5130.0400	\$ 55.00
Bradco Supply Co.	D5130.0400	\$ 108.95
Cargill Inc.	D5142.0400	\$3,783.99
Chemung Canal Trust Co.	D5130.0400	\$ 74.46
Chemung Supply Corp.	D5110.0400	\$1,083.60
Champion Fasteners, Inc.	D5130.0400	\$ 15.11
Cook Brothers Truck Parts	D5130.0400	\$ 165.34
Dalrymple Gravel & Cont.	D5142.0400	\$2,005.88 and
	D5142.0400	\$ 354.62 and
	D5142.0400	\$ 291.44
Finger Lakes Supply	D5130.0400	\$ 940.00
Gardner & Company	D5110.0400	\$7,056.00
Griffith Energy	D5142.0400	\$2,446.72
Hansen Inc., S.C.	D5130.0400	\$ 42.42
Horseheads Do It Center	D5130.0400	\$ 30.90
Interstate Batteries	D5130.0400	\$ 78.95
Milton CAT	D5130.0400	\$ 40.46
NAPA Auto Parts	D5130.0400	\$ 6.40
Quality Welding Supply Co.	D5130.0400	\$ 16.85
Suit-Kote Corporation	D5110.0400	\$ 449.60
Tallmadge Tire	D5130.0400	\$ 740.00
Vasco Brands, Inc.	D5130.0400	\$ 36.40

### WATER FUNDS

Chemung Canal Trust Co.	S18340.0400	\$ 27.56 and
	S28340.0400	\$ 27.56 and
	S38340.0400	\$ 10.08 and
	S48340.0400	\$ 2.04 and
	S18310.0400	\$ 57.66 and

MINUTES OF TOWN BOARD MEETING OF JANUARY 26, 2005

RESOLUTION NO. 84-05, 2004 ACCOUNT PAYABLES APPROVED continued

	S28310.0400	\$ 57.66 and
	S38310.0400	\$ 21.09 and
	S48310.0400	\$ 4.26 and
	S48330.0400	\$ 44.36
Gannett Central New York	S28310.0400	\$ 456.21
Eastern Lab. Services Ltd	S18320.0400	\$ 30.75 and
	S18320.0400	\$ 112.25
Eastern Lab. Services Ltd	S18320.0400	\$ 235.75 and
		\$ 112.25 and
		\$ 220.38
EJ Prescott Inc.	S18340.0400	\$ 68.00 and
	S28340.0400	\$ 68.00 and
	S38340.0400	\$ 25.90
Highway, Big Flats	S18310.0400	\$1,091.08 and
	S28310.0400	\$1,091.08 and
	S38310.0400	\$ 399.18 and
	S48310.0400	\$ 79.84

GENERAL, HIGHWAY AND WATER FUNDS

NYS Ret & Employers Sys	A9010.0800	\$68,548.39 and
	D9010.0800	\$41,814.79 and
	S19010.0800	\$ 7,945.32 and
	S29010.0800	\$ 7,945.32 and
	S39010.0800	\$ 2,906.82 and
	S49010.0800	\$ 581.36
Zurich American Ins.	A9055.0800	\$ 484.20 and
	D9055.0800	\$ 121.50 and
	S19055.0800	\$ 27.61 and
	S29055.0800	\$ 27.61 and
	S39055.0800	\$ 10.10 and
	S49055.0800	\$ 2.03

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JANUARY 26, 2005

RESOLUTION NO. 85-05  
ABSTRACT OF AUDITED VOUCHERS FOR JANUARY 2005 APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for January 2005, vouchers 2453 - 2571, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$225,041.36
HIGHWAY FUND	\$107,401.47
WATER DISTRICT #1	\$ 17,872.77
WATER DISTRICT #2	\$ 17,611.11
WATER DISTRICT #3	\$ 6,260.01
WATER DISTRICT #4	\$ 3,440.17
CAPITAL PROJECT #6	\$ 9,770.00
LIGHTING DISTRICT	\$ 645.72
TRUST & AGENCY	\$ 1,490.06

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

Supervisor Balland made a motion, seconded by Councilperson Fairbrother to enter into Executive Session immediately following the meeting to discuss potential litigation. All in favor, motion carried.

CORRESPONDENCE

Liquor License Renewal/Red Lobster. A notice was received from GMRI, Inc., dated January 12, 2005, informing the Town of the intention to renew the liquor license for Red Lobster.

The Town Board entered into Executive Session and invited the Town Clerk at 7:48 p.m.

Supervisor Balland reconvened the meeting at 8:04 p.m.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to adjourn the meeting at 8:04 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 29, 2005

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Edward Fairbrother
		Dean Frisbie
	Attorney	Thomas Reed
	Clerk	Teresa Dean
ABSENT:	Council	Leonard Kaner

Supervisor Balland called the Special Town Board Meeting to order at 11:00 a.m.

Supervisor Balland stated that the Town Board needed to discuss whether or not an agreement should be made with the owners of 78 Hammond Street to permit the repairs to the house within – for example – six months and if the necessary repairs are not made the condemnation would take place. After reviewing the correspondence history and a brief discussion, the consensus of the Board was to proceed with the resolution as adopted.

EXECUTIVE SESSION. Supervisor Balland made a motion, seconded by Councilperson Frisbie to enter into Executive Session to discuss potential litigation. All in favor, motion carried.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother to reconvene the Town Board meeting at 11:50 a.m. All in favor, motion carried.

The Attorney for the Town was asked to explain the difference between a Use Variance and Special Permit. Attorney Reed explained that a Use Variance is granted by the Zoning Board of Appeals and goes with the property. A Special Permit is a specific use granted by the Town Board.

MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 29, 2005

RESOLUTION NO. 86-05  
FREEDOM OF INFORMATION APPEAL DENIED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS, on or about November 9, 2004 Robert F. Izzo filed Freedom of Information requests with the Town seeking any and all documents relating to the following: salary or funding paid to Judith Zimmerman for the period 1/1/04 to 11/9/04; remuneration of Thomas Reed II not annotated on Federal Form W-2 for the years 1999, 2000, 2001, 2002, and 2003; remuneration paid Mr. Reed in addition to budgeted yearly salary for the period 1/1/04 to 11/9/04; public funding paid for insurance premiums paid by the Town to any insurance carrier or entity for the calendar year 2003 until 11/9/04, specifically new premiums paid relating to the Community Center; payment of public funds to the law firm Harris Beach for the period 1/1/03 to 11/9/04; December 28, 2004 request seeking any and all expenses, funding and expenditures relative to Larry Wagner and Donald Gaylord; and

WHEREAS, on or about November 10, 2004 an acknowledgement was written to Mr. Izzo with further review and anticipated reply to be forwarded no later than December 1, 2004; and

WHEREAS, on or about late November 2004 a verbal conversation was held between the Records Access Officer and Mr. Izzo regarding his health issues and the above referenced FOIL request and based upon that conversation the parties agreed this matter would be placed on hold for approximately two weeks; and

WHEREAS, on or about January 5, 2005 and January 7, 2005, the Records Access Officer provided a written response to Mr. Izzo denying the above referenced request on the grounds the request was not reasonably described – our filing system does not file records that identify records in this manner; and

WHEREAS, on or about January 24, 2005, Robert Izzo submitted a written appeal to this Board seeking review of the denial of the aforementioned Freedom of Information request; and

WHEREAS this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein, now

BE IT THEREFORE RESOLVED the Town Board, after due deliberations having been had thereon, hereby affirms the denial of such records by the Records Access Officer on the grounds as more fully set forth in Teresa M. Dean's MEMO FOR THE RECORD, dated January 25, 2005, which is hereby incorporated by reference as if fully set forth herein; and be it

MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 29, 2005

RESOLUTION NO. 86-05, FREEDOM OF INFORMATION APPEAL DENIED  
continued

FURTHER RESOLVED that the Attorney for the Town is hereby authorized to forward this determination to Robert F. Izzo and the New York State Committee on Open Government as provided by law.

CARRIED: AYES: Fairbrother, Frisbie, Gardner, Balland  
NAYS: None ABSENT: Kaner

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to adjourn the Special Town Board Meeting at 12:18 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_ Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 31, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Duane Gardner  
                                  Edward Fairbrother  
                                  Dean Frisbie  
                                  Leonard Kaner  
                  Clerk       Teresa Dean

ABSENT:           Attorney     Thomas Reed

Supervisor Balland called the Special Town Board Meeting to order at 6:30 p.m.

PUBLIC HEARING:   6:30 P.M.   New York State Governor's Office for Small Cities  
  2005 Community Development Block Grant  
  Program

Supervisor Balland called the public hearing to order and introduced Ben Syden, Director of Planning and Community Development for Laberge Group. Mr. Syden explained this public hearing is part of the first hearing in which the Town allows and considers public comments on a proposed application for the Small Cities Community Development Block Grant Program application for the Town of Big Flats. This is to allow the public to provide comments on what the needs are for the Town.

To begin, Mr. Syden explained what is the New York State Governor's Office for Small Cities 2005 Community Development Block Grant Program. The Town can apply for a grant under housing; public facility or micro enterprise – economic development. The application deadline is April 4, 2005 and the Town Board is seeking input.

### COMMENTS:

Robert Thorborg, 135 Hillview Drive, asked if this money was a pure grant or matching funds. Mr. Syden explained that this could be either one – for instance, the Town Board may choose to allow property owners full grant funding and income properties may be matching fund.

Lydia Lynn, 16 Olcott Road North, asked if the sewer extension proposal could be a project even though the vote was held and the project was turned down? Mr. Syden explained that the Town would have to demonstrate that at this time there is enough support to overturn the vote and the feasible project must be completed within two years. If the Town is considering phases for a project such as this a new map, plan and report would have to be completed.



MINUTES OF SPECIAL TOWN BOARD MEETING OF JANUARY 31, 2005

Ray Gleason, 18 Kelley Drive, expressed his support for providing funding to homeowners in the Hamlet for the purpose of improving their homes. Mr. Syden explained that the map of the Hamlet would have to be reviewed to determine the area of the homes identified and pre-application process would have to be developed. The criteria for qualifying for a grant would be based on federal rules – plumbing, roof, or structure. Housing rehabilitation and housing ownership programs were discussed at length.

Merrill Lynn, 26 Olcott Road North, asked if Mr. Syden had infrastructure recommendations for the Town Center. Mr. Syden identified sewers.

Jerry Woolever, 223 Hibbard Road, asked what the second infrastructure improvements would be? Mr. Syden stated home ownership; therefore, someone could provide new affordable housing for first time homeowners.

Since there were no further comments, Supervisor Balland closed the Public Hearing at 6:56 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the Special Town Board Meeting at 6:56 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_ Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

PRESENT:           Supervisor    Mary Ann Balland  
                  Council       Duane Gardner  
                              Dean Frisbie  
                              Leonard Kaner  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

ABSENT:           Council       Edward Fairbrother

Supervisor Balland called the Town Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

### REPORTS

Supervisor Balland explained that Chuck Coons – Director of Building Inspection/Code Enforcement was conducting a presentation regarding the operation of the office of Code Enforcement and Planning. Mr. Coons provided the Town Board with a report showing highlights of the past two years and major violations resolved. A request was made for authorization to allow Eric Corey to attend the annual Finger Lakes Building Officials Association conference held in Rochester. Building Officials are required to obtain 24 hours of continuing education each year and this conference provides half of the credit requirements.

Mr. Coons briefly discussed applications that are before the Planning Board and the intent to retain Laberge Group for consulting purposes. The Town of Big Flats Municipal Code, Section 2.12.050, requires the applicant to pay for a Town consultant to review their application.

The following reports for January 2005 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance; SPCA and Dog Licensing Monthly Report; Assessor's Monthly Report; Youth Commission Minutes for December and January; and Town Historian's Annual Report.

### CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, asked if the Town has made a decision to the light being installed near the Friday's property? Supervisor Balland stated that discussions have been held with the property owners; however, no decision will be made until the Town adopts a criteria policy. Mr. Nicolo also pointed out that after conducting research, the Town must select the Star Gazette as their newspaper and provided a copy of a 1988 Comptroller opinion. Attorney Reed stated that he would review the documentation.

Robert Izzo, 29 Federal Heights Drive, asked if it was correct that there was an accident on a Town road, which a Town employee was aware of and the information was not brought to the attention of someone with authority. Attorney Reed asked Mr. Izzo if he was acting on behalf or representing the family. Mr. Izzo answered that he was not.

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

OLD BUSINESS

RESOLUTION NO. 87-05

EXTENSION AGREEMENT WITH SUSAN G. SYKORA REGARDING THE DEMOLITION  
OF THE UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 78 HAMMOND  
STREET APPROVED

Resolution by: Balland

Seconded by: Kaner

WHEREAS on or about January 12, 2005, the Town Board duly authorized and ordered the structures, building and other like facilities at 78 Hammond Street, Big Flats, NY be demolished and removed because of the property being declared an unsafe and dangerous property under Town Code Chapter 15.16, and

WHEREAS pursuant to such Order and resolution of the Town Board, such property shall have been demolished and removed prior to February 28, 2005, and

WHEREAS, the owner of such property, Susan G. Sykora, has requested the Town reconsider such demolition order and grant such additional time as the Town may desire in which the property could be repaired, reconstructed and rehabilitated in order for such property to be restored and brought into full compliance with the State Uniform Fire Prevention and Building Code and the Town Code, and

WHEREAS the Town Board wishes to provide Ms. Sykora with a last chance to remedy this unsafe and dangerous situation in the Town by granting Ms. Sykora's request for an extension in time and authorizes the Town's forbearance in acting in accordance with the demolition order referenced above on the terms and conditions set forth in the agreement between the Town and Ms. Sykora as proposed and drafted by Attorney for the Town, Thomas W. Reed II, and

WHEREAS this is a Type II administrative action under SEQRA 6 NYCRR, Part 617.5 and thus no environmental review is required, now

BE IT THEREFORE RESOLVED that the Town Board hereby authorizes the Town Supervisor to execute the extension and forbearance agreement with Susan G. Sykora concerning the dangerous and unsafe property located at 78 Hammond St. in the Town as prepared, submitted and approved by the Attorney for the Town, and

FURTHER RESOLVED if Ms. Sykora shall reject such agreement as determined by the Attorney for the Town, the demolition order referenced above shall not be modified in any manner and the demolition of such dangerous and unsafe structures, buildings, and other like facilities located at 78 Hammond St., Big Flats, NY is hereby authorized and shall occur in accordance with said Order and Town Code Chapter 15.16.

CARRIED: AYES: Gardner, Kaner, Balland

NAYS: Frisbie

ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

NEW BUSINESS

RESOLUTION NO. 88-05  
AGREEMENT WITH SOUTHERN TIER ECONOMIC GROWTH APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS the Town Board has determined to enter into an agreement with Southern Tier Economic Growth Inc. (STEG) for the purposes of providing continued economic growth and development services, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Southern Tier Economic Growth Inc. for the purpose of providing continued economic growth and development services for calendar year 2005 at a cost not to exceed \$5,000.00.

CARRIED: AYES: Gardner, Kaner, Balland  
NAYS: Frisbie ABSENT: Fairbrother

RESOLUTION NO. 89-05  
LEASE AGREEMENT WITH CHEMUNG COUNTY/CHEMUNG COUNTY OFFICE FOR  
THE AGING APPROVED

Resolution by: Balland  
Seconded by: Kaner

WHEREAS the Town Board has determined to enter into a lease agreement with Chemung County for the purposes of providing a community hall and kitchen areas, utilities and heat for the Congregate Meal Program for the Chemung County Office for the Aging, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a lease agreement with Chemung County for the purpose of providing a community hall and kitchen areas, utilities and heat for the Congregate Meal Program for the Chemung County Office for the Aging.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

RESOLUTION NO. 90-05  
LABERGE GROUP CONSULTING AGREEMENT APPROVED

Resolution by: Balland  
Seconded by: Gardner

WHEREAS the Town of Big Flats Planning Board has received a request from Barrington Associates for site plan approval for a subdivision, namely Soaring Ridge Estates, located on Tax Parcels 77.01-1-1.1,1.2,1.3,1.4,1.5,1.6,1.7, & 1.8, located north of Suburban Drive, and

WHEREAS the Town of Big Flats Planning Board has determined that review of the drainage plan submitted by Fagan Engineers is technical in nature and that a consultant is required for review on behalf of the Town, and

WHEREAS the Laberge Group has agreed to provide review of the drainage study at a cost not-to-exceed \$4,300.00, and

WHEREAS, the Town Municipal Code, Section 2.12.050, requires the applicant establish an account with the Town for payment of the consultant for the Town for their review of said application, and

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with the Laberge Group for purposes of providing technical review for the Soaring Ridge Estates subdivision application subject to the review and approval by the Attorney for the Town, and

FURTHER RESOLVED the Town agrees the cost not-to-exceed Four Thousand Three Hundred Dollars (\$4,300.00).

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 91-05  
ZONING BOARD OF APPEALS SECRETARY APPOINTMENT APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS there is a vacancy for the position of Secretary to the Zoning Board of Appeals, and

WHEREAS under Civil Service Commission guidelines this is a non-competitive position and the Town Board may make appointment as needed, and

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

RESOLUTION NO. 91-05, ZONING BOARD OF APPEALS SECRETARY APPOINTMENT  
APPROVED continued

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that Nancy VanMaarseveen be appointed as Secretary to the Zoning Board of Appeals effective immediately at a rate of 1.5 times her hourly rate set for Transcribing Typist for Building Inspector/Code Enforcement/Planning Board, per meeting.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 92-05  
RITA RHODES KAPRON - CERAMICS INSTRUCTOR CONTRACT APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the Community Center Director has determined and recommended that a Ceramics Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Rita Rhodes Kapron for the purpose of teaching ceramics at a cost of \$25.00 per class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

RESOLUTION NO. 93-05  
DOROTHY ANDREW LAVAGE - ART INSTRUCTOR CONTRACT APPROVED

Resolution by: Kaner  
Seconded by: Frisbie

WHEREAS the Community Center Director has determined and recommended that an Art Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Dorothy Andrew Lavage for the purpose of teaching art classes at a cost of \$30.00 per class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 94-05  
WALTER NELSON - GARDENING INSTRUCTOR CONTRACT APPROVED

Resolution by: Balland  
Seconded by: Kaner

WHEREAS the Community Center Director has determined and recommended that a Gardening Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Master Gardner Walter Nelson for the purpose of teaching master gardening classes at a cost of \$50.00 per class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

RESOLUTION NO. 95-05

DEBBIE BLAUVELT - BASKET WEAVING INSTRUCTOR CONTRACT APPROVED

Resolution by: Gardner

Seconded by: Frisbie

WHEREAS the Community Center Director has determined and recommended that a Basket Weaving Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Debbie Blauvelt for the purpose of teaching basket weaving at a cost of \$22.00 per person for the wine bottle class and \$22.00 per person for the Easter basket class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother

RESOLUTION NO. 96-05

MELISSA ST. CLAIR - SEWING INSTRUCTOR CONTRACT APPROVED

Resolution by: Frisbie

Seconded by: Gardner

WHEREAS the Community Center Director has determined and recommended that a Sewing Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Melissa St. Clair for the purpose of teaching sewing classes at a cost of \$75.00 per person for each series of classes in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother



MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

RESOLUTION NO. 97-05  
BONNIE FAULKNER - YOGA INSTRUCTOR CONTRACT APPROVED

Resolution by: Kaner  
Seconded by: Frisbie

WHEREAS the Community Center Director has determined and recommended that a Yoga Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Bonnie Faulkner for the purpose of teaching yoga classes at the cost of 70% of the fee charged or \$25.00 per class whichever is greater in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 98-05  
COLLEEN LaDELIA - PILATES INSTRUCTOR CONTRACT APPROVED

Resolution by: Balland  
Seconded by: Kaner

WHEREAS the Community Center Director has determined and recommended that a Pilates Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Colleen LaDelia for the purpose of teaching Pilates classes at a cost of 70% of the fee charged in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

RESOLUTION NO. 99-05  
DAVE PIZURA - DANCE INSTRUCTOR CONTRACT APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the Community Center Director has determined and recommended that a Dance Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Dave Pizura for the purpose of teaching Jitterbug dance classes at a cost of \$2.50 per student per class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 100-05  
SHEILA HUGHEY - DANCE INSTRUCTOR CONTRACT APPROVED

Resolution by: Balland  
Seconded by: Kaner

WHEREAS the Community Center Director has determined and recommended that a Dance Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Sheila Hughey for the purpose of teaching Jitterbug dance classes at a cost of \$2.50 per student per class in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

RESOLUTION NO. 101-05  
PARKS COMMISSION MEMBER APPOINTMENT APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS the Parks Commission has a need to fill a position left vacant by John Corkins, and

WHEREAS Chris Friend, 44 Liberty Way, Horseheads, NY 14945, submitted a letter dated February 2, 2005 stating his interest in being a member of the Parks Commission, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board appoints Christopher Friend to fill the vacancy on the Parks Commission with a term ending December 31, 2005.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 102-05  
ECONOMIC DEVELOPMENT ZONE AMENDMENT PUBLIC HEARING APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS, New York State has created the Economic Development Zone program to encourage industrial and commercial development in selected municipalities across the State, and

WHEREAS, the City of Elmira, as an eligible municipality, received designation of an Economic Development Zone made up of sub-zones including portions of the Town and Village of Horseheads, Town of Elmira, Town of Chemung, Town of Southport, Town of Big Flats, Village of Elmira Heights and City of Elmira, and

WHEREAS, the City of Elmira intends to revise the City Economic Development Zone boundaries (now referred to as Empire Zones) to encourage industrial and commercial development, and

WHEREAS, the Town of Big Flats, New York is committed to the development of new business within the proposed sub-zone, and

WHEREAS, the Town of Big Flats, New York wishes to support and concur with the Empire Zone revision application, now

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 9, 2005

RESOLUTION NO. 102-05, ECONOMIC DEVELOPMENT ZONE AMENDMENT PUBLIC HEARING APPROVED continued

BE IT THEREFORE RESOLVED the Town of Big Flats set a public hearing for February 23, 2005 at 7:02 p.m. regarding the City of Elmira Empire Zone revision application.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother

CORRESPONDENCE

Kahler Road Interchange Completed Facilities/NYS DOT. A letter was received from New York State Department of Transportation, dated February 1, 2005, informing the Town of the completion of the facilities constructed at the new interchange on I-86 over Kahler Road.

Election Results/West Hill Fire District #3. A letter was received from the Board of Fire Commissioners of West Hill Fire District #3, dated January 22, 2005, informing the Town of the election results for Fire Commissioner, Treasurer, Chief, and Fire Police.

Letter of Thanks to Court Clerk. A thank you letter was sent to the Town Court for their assistance with court records.

Letter of Thanks to Water Department. A thank you letter was sent to the Water Department for their repair to the water problems Christmas Day.

Supervisor Balland stated that two letters to the Editor were published in the Elmira Star Gazette and offered the following:

1. one article referenced maintenance concerns regarding Hickory Grove Road and Kahler Road. Supervisor Balland stated that these roads are the responsibility of the County highway department not our Town Highway Department; and
2. the other article referenced road conditions; however, the Town has repaired more roads in the past few years than ever. Councilperson Frisbie stated his understanding was that the person who wrote this article went to small claims court to get their assessment lowered.

Since there was no further business to come before the Board, Councilperson Frisbie made a motion, seconded by Councilperson Kaner, to adjourn the Town Board meeting at 5:27 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF FEBRUARY 23, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                                  Duane Gardner  
                                  Dean Frisbie  
                                  Leonard Kaner  
                  Clerk       Teresa Dean

ABSENT:           Attorney     Thomas Reed

Supervisor Balland called the Town Board Meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

PUBLIC HEARING:                   7:02 P.M. EDZ Boundary Amendment

Attorney Reed called the Public Hearing to order at 7:03 p.m. and read the legal notice published in the Corning Leader on February 15, 2005, to allow and consider public comments concerning the proposed Elmira Empire Zone amendment.

IN FAVOR:           None  
OPPOSITION:       None  
COMMENTS:       None

Since there were no further comments, the Public Hearing was closed at 7:04 p.m.

### MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of January 12, 2005 as presented. All in favor, motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of January 26, 2005 as presented. All in favor, motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of January 29, 2005 as presented. All in favor, except Councilperson Kaner abstained. Motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to approve the minutes of January 31, 2005 as presented. All in favor, motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of February 9, 2005 as presented. All in favor, except Councilperson Fairbrother abstained. Motion carried.

## MINUTES OF TOWN BOARD MEETING OF FEBRUARY 23, 2005

### REPORTS

George Miner, President of Southern Tier Economic Growth, explained that the Economic Development Zone amendment is to 1.42 acres of property in the Town of Big Flats. This area is located near the Silicon Carbide building on Daniel Zenker Drive and the other portion is located on property owned by Arnot Realty along Colonial Drive.

Organizational Chart – Councilperson Fairbrother explained the proposed Organizational Chart is completed and will be provided to the Town Board members.

Citizen of the Year – Councilperson Kaner stated that two individuals have been selected for the 2004 and 2005 Citizen of the Year; therefore, a proposal will be submitted to the Town Board.

Lighting Policy – Commissioner Wagner stated a written request was received by the Presbyterian Church for the installation of a street light along Church Street. NYSEG is providing a proposed cost; therefore, a public hearing is required prior to the installation.

CONCERNS OF THE PEOPLE. None

### OLD BUSINESS

#### RESOLUTION NO. 103-05 SUPPORT AND CONCURRENCE WITH THE ELMIRA EMPIRE ZONE REVISION APPLICATION APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS, New York State has created the Economic Development Zone program to encourage industrial and commercial development in selected municipalities across the State, and

WHEREAS, the City of Elmira, as an eligible municipality, received designation of an Economic Development Zone made up of sub-zones including portions of the Town and Village of Horseheads, Town of Elmira, Town of Chemung, Town of Southport, Town of Big Flats, Village of Elmira Heights and City of Elmira, and

WHEREAS, the City of Elmira intends to revise the City Economic Development Zone boundaries (now referred to as Empire Zones) to encourage industrial and commercial development, and

WHEREAS, the Town of Big Flats, New York is committed to the development of new business within the proposed sub-zone, and

WHEREAS, the Town of Big Flats, New York wishes to support and concur with the Empire Zone revision application, now

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 23, 2005

RESOLUTION NO. 103-05, SUPPORT AND CONCURRENCE WITH THE CITY OF  
ELMIRA EMPIRE ZONE REVISION APPLICATION APPROVED continued

BE IT THEREFORE RESOLVED that the Town of Big Flats Town Board, in its capacity as governing body of the Town, does hereby support and concur with the City of Elmira Empire Zone revision application.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 104-05  
ERIC COREY ATTENDANCE AT FLBOA CONFERENCE APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS the Finger Lakes Building Officials (FLBOA) conference is a training conference for Code Enforcement Officers, and

WHEREAS New York State requires code officials to obtain 24 credit hours of training to maintain state certification, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Eric Corey, Building Inspection/Code Enforcement Assistant, to attend the FLBOA conference with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: Frisbie

NEW BUSINESS

RESOLUTION NO. 105-05  
WILLIAMSON LAW BOOK COMPANY ANNUAL SOFTWARE MAINTENANCE  
CONTRACT APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS the Town Clerk and Tax Collector currently have the Williamson Law Book Company software, and

WHEREAS said Annual Software Support contract agreement has expired on January 1, 2005, and

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 23, 2005

RESOLUTION NO. 105-05, WILLIAMSON LAW BOOK COMPANY ANNUAL SOFTWARE MAINTENANCE CONTRACT APPROVED continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Annual Software Support contract with Williamson Law Book Company at a cost not-to-exceed \$450.00 commencing January 1, 2005 through December 31, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 106-05  
TOWN CLERK AND DEPUTY TOWN CLERK ATTENDANCE TO THE NEW YORK STATE TOWN CLERKS ASSOCIATION CONFERENCE APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the New York State Town Clerks Association, Inc. conference is a training conference for the office of the Town Clerks, and

WHEREAS said conference is held annually with representatives from New York State offices offer sessions for updates regarding new and proposed regulations that effect the daily operations of the office of the Town Clerk, and

WHEREAS Deanne Williams, former Deputy Town Clerk has agreed to provide office coverage during the absence of the Town Clerk and Deputy Town Clerk, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Teresa Dean, Town Clerk and Kim Seymour, Deputy Town Clerk, to attend the New York State Town Clerks Association Conference held April 18 – 20, 2005 with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

Part-time Maintenance Request. This item was deleted.



MINUTES OF TOWN BOARD MEETING OF FEBRUARY 23, 2005

RESOLUTION NO. 107-05  
SALSCO MODEL 813 CHIPPER PURCHASE APPROVED

Resolution by: Fairbrother  
Seconded by: Gardner

WHEREAS the current Highway Department chipper is a 1991 model year, and

WHEREAS the Commissioner of Public Works in concurrence with the Highway Department Supervisor recognizes the need to purchase a new chipper, and

WHEREAS a Salsco Model 813 Chipper was successful in obtaining a State Bid award, and

WHEREAS, for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR and as such, no further action is necessary regarding same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a Salsco Model 813 Chipper, Caterpillar 3054NA, 83HP as outlined on State Bid Contract #PC61123 for the sum not to exceed \$22,274.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 108-05  
SECTION 284 OF THE HIGHWAY LAW AGREEMENT APPROVED

Resolution by: Fairbrother  
Seconded by: Gardner

WHEREAS in accordance with Highway Law, Section 284, the Town Supervisor, Town Board, and Commissioner of Public Works are required to enter into an agreement regarding moneys levied and collected in the Town for repair and improvement of highways, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED, in accordance with Highway Law, Section 284, the Town Supervisor, Town Board and Commissioner of Public Works are authorized to enter into the Agreement for the Expenditure of Highway Moneys.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 23, 2005

RESOLUTION NO. 109-05  
ANTI-VIRUS SOFTWARE PURCHASE FROM GRISOFT, INC. APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS it has been determined and recommended by the computer consultant, Marc Chevalier of Cranberry Fog, the purchase of AVG 7.0 Network Edition from Grisoft, Inc., and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the purchase of AVG 7.0 Network Edition for 25 workstations with a two (2) year protection from Grisoft, Inc. for a total cost not-to-exceed \$495.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 110-05  
VOID CHECKS AUTHORIZATION APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the Bookkeeper has determined 3 checks have passed their cash date status and is requesting authorization to void said checks, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void the following checks:

Robert Izzo	07/30/2004	Check #1372	\$2.00
Conrad Zurich	07/30/2004	Check #1424	\$2.00

FURTHER RESOLVE the Town Board authorizes check #1365 written to Dean Frisbie, dated December 10, 2004, in the amount of \$233.15 be void and authorize a check to be reissued.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: None ABSTAIN: Frisbie

MINUTES OF TOWN BOARD MEETING OF FEBRUARY 23, 2005

RESOLUTION NO. 111-05  
ABSTRACT OF AUDITED VOUCHERS FOR FEBRUARY 2005 APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for February 2005, vouchers 2572 - 2678, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$78,788.15
HIGHWAY FUND	\$37,329.39
WATER DISTRICT #1	\$ 9,638.79
WATER DISTRICT #2	\$ 6,418.17
WATER DISTRICT #3	\$ 7,199.98
WATER DISTRICT #4	\$10,939.94
LIGHTING DISTRICT	\$ 684.88
TRUST & AGENCY	\$ 1,007.94

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

CORRESPONDENCE

Speed Limit Investigation Request/IST. A letter was received from Imaging & Sensing Technology (IST), dated February 9, 2005, expressing concerns with the visibility when using their west drive to turn left onto Daniel Zenker Drive.

Community Days/Big Flats Community Days, Inc. A letter was received from Big Flats Community Days, Inc., dated February 8, 2005, requesting the use of Community Park for Community Days to be held on June 16, 17 and 18, 2005.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 7:20 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF MARCH 9, 2005

PRESENT: Deputy Supervisor Edward Fairbrother  
Council Duane Gardner  
Dean Frisbie  
Leonard Kaner  
Attorney Thomas Reed  
Clerk Teresa Dean

ABSENT: Supervisor Mary Ann Balland

Deputy Supervisor Fairbrother called the Town Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

PRESENTATION: George Miner, Director of Southern Tier Economic Growth

Mr. Miner provided the Town Board with pamphlets regarding what STEG is and their purpose, along with a list of the Board of Directors. The goals of STEG are to promote the retention and creation of employment opportunity and participate in the planning and development of commercial growth. STEG has a partnership with the Empire Zone, Chemung County Industrial Development Agency, Empire State Development, City of Elmira Loan Program. Mr. Miner briefly reviewed the operating costs and revenues. The current projects that STEG is involved with are a project in the Town of Chemung, Airport Corporate Park South and a business development study.

Councilperson Frisbie asked if there was anyway to combine services so that the Towns, County, and STEG are not duplicating efforts. One of the concerns is that General Revenue Services was given monies and the Town is being asked to reimburse Chemung County Industrial Development Agency. Mr. Miner explained that General Revenue Service was provided an incentive of \$250,000 to purchase a building rather than lease and to create 500 jobs rather than the originally proposed 200 jobs. Synthes USA currently has a lease contract in the Town of Horseheads until the construction of their new facility is completed. This was not the case of moving a business from one location to another to obtain tax incentives. X-Gen is relocating from a location that they have outgrown and the new location will create jobs due to the fact that at the new location X-Gen will include manufacturing.

Mr. Miner thanked the Town Board for their time and welcomed any members of the Town Board to call him directly with any questions or comments. Mr. Miner also stated that the Town of Big Flats has been asked to recommend a representative to be included on the Board of Directors for STEG.

## MINUTES OF TOWN BOARD MEETING OF MARCH 9, 2005

### REPORTS

The following reports for February 2005 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance; SPCA and Dog Licensing Monthly Report; Assessor's Monthly Report; Assessor's Annual Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report for January and February; Community Center Monthly Report; and Department of Public Works Monthly Report.

### CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, asked how he would obtain a survey? Deputy Supervisor Fairbrother stated that surveys were located in the hallway of the Town Hall.

Larry Wagner, Commissioner of Public Works stated that water leaks had been detected and it appears that the Town has water main breaks on Easterbrook Drive and Lloyd Drive and a service line leak on Cayuga Drive.

Mr. Nicolo provided an update of paperwork, dates, ride contract, fireworks contract and storage trailer regarding Community Days.

### NEW BUSINESS

#### RESOLUTION NO. 113-05 POINT OF DISTRIBUTION LETTER TO THE CHEMUNG COUNTY HEALTH DEPARTMENT APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS in the event of a county state of emergency during which it may become necessary to dispense pharmaceuticals or medical supplies to the general populations, the Town of Big Flats Community Center will be made available upon request to the Chemung County Health Department for use as a Point of Distribution (POD) site, and

WHEREAS the Chemung County Public Health Emergency Preparedness Committee has evaluated the Community Center and determined that it is a suitable POD site to serve the general public in an emergency, and

WHEREAS the Town Board agrees that the County's Comprehensive Emergency Management Plan may list the Big Flats Community Center as a POD site, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to send a Letter of Agreement to the Chemung County Department of Health, and

MINUTES OF TOWN BOARD MEETING OF MARCH 9, 2005

RESOLUTION NO. 113-05, POINT OF DISTRIBUTION LETTER TO THE CHEMUNG COUNTY HEALTH DEPARTMENT APPROVED continued

FURTHER RESOLVED in the event of an emergency when our site may be needed the Town Board authorizes the Town Supervisor, Mary Ann Balland as a contact for the Town.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 114-05  
CORNELL LOCAL ROAD SEMINAR ATTENDANCE APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS Cornell Local Roads Program conducts various seminars during the course of the year, and

WHEREAS Larry Wagner and Donald Gaylord would like to attend the seminar titled Surveying Methods for Local Highway Departments, and

WHEREAS said seminar is scheduled for May 19, 2005 in Chenango County, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Larry Wagner, Commissioner of Public Works and Donald Gaylord, Highway Supervisor, to attend the Surveying Methods for Local Highway Departments seminar with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 115-05  
PURCHASE OF ROAD SALT THROUGH STATE BID APPROVED

Resolution by: Frisbie  
Seconded by: Kaner

WHEREAS the Town will need to purchase salt for winter road maintenance for 2005 / 2006, and

WHEREAS the State bid for road salt is listed under Group No. 01800, and

MINUTES OF TOWN BOARD MEETING OF MARCH 9, 2005

RESOLUTION NO. 115-05, PURCHASE OF ROAD SALT THROUGH STATE BID  
APPROVED continued

WHEREAS the contract period for road salt is September 1, 2005 through August 31, 2006, and

WHEREAS the state mandates that a Requirement Letter be filed with OGS prior to March 17, 2005 to participate in purchasing under State Bid, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Larry Wagner to purchase road salt, not to exceed two thousand one hundred sixty (2,160) ton, utilizing state bid contract for the duration of said contract period.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 116-05  
HALDERMAN HOLLOW ROAD SPEED LIMIT REQUEST APPROVED

Resolution by: Fairbrother

Seconded by: Frisbie

WHEREAS the Commissioner of Public Works for the Town recommends a reduction of the speed limit on Halderman Hollow Road, and

WHEREAS the Town Board determines the speed limit reduction request to be adequate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works for the Town of Big Flats to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation of Halderman Hollow Road.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

MINUTES OF TOWN BOARD MEETING OF MARCH 9, 2005

RESOLUTION NO. 117-05  
DANIEL ZENKER DRIVE SPEED LIMIT REQUEST APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS the Town has received a written request to reduce the speed limit along Daniel Zenker Drive, and

WHEREAS the Town Board determines the speed limit reduction request to be adequate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works for the Town of Big Flats to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation of Daniel Zenker Drive.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 118-05  
PUBLIC HEARING FOR ADDITION TO TOWN LIGHTING DISTRICT APPROVED

Resolution by: Gardner  
Seconded by: Kaner

WHEREAS the Town Board has under consideration a plan and an estimate of cost for a proposed improvement of the Town Lighting District consisting of the addition of a street light on Church Street, and

WHEREAS said plan and estimate of cost are on file in the office of the Town Clerk for public inspection, and

WHEREAS the estimated cost of said improvements is \$120.00 annually, and

WHEREAS it is now desired to call a public hearing on proposed improvements pursuant to Section 202-b of the Town Law, now

BE IT THEREFORE RESOLVED the Town Board sets a public hearing to be held at the Big Flats Town Hall on the 23<sup>rd</sup> day of March, 2005, at 7:05 p.m., for the purpose of conducting improvement of the Town Lighting District, at which time and place said Town Board will hear all persons interested, and



MINUTES OF TOWN BOARD MEETING OF MARCH 9, 2005

RESOLUTION NO. 118-05, PUBLIC HEARING FOR ADDITION TO TOWN LIGHTING DISTRICT APPROVED continued

FURTHER RESOLVED the Town Board hereby determined that the improvements constitute an Unlisted Action under SEQRA upon the review of the Short Environmental Assessment Form of SEQRA completed by the Town Board and the Town Board hereby declares not significant potential adverse environmental impact and therefore issues a Negative Declaration, and

FURTHER RESOLVED the Town Board hereby determined that the cost of the improvements shall be annually apportioned among the aforesaid Lighting District, and the amount so apportioned shall be levied and collected in each District in the manner provided by law, and

RESOLVED the Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the official newspaper of said Town, and posted in the manner prescribed by law.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 119-05  
ADVERTISEMENT TO BID TO PURCHASE A NEW PLOW TRUCK FOR THE HIGHWAY DEPARTMENT TABLED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the Commissioner of Public Works in concurrence with the Highway Supervisor recognizes the need to update the Town fleet of plow trucks to maintain adequate reliability, and

WHEREAS bid specifications have been completed for purchasing a new plow truck, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to advertise the aforementioned bid specifications contingent on the review and approval of the bid specifications by the Attorney for the Town.

Councilperson Frisbie made a motion, seconded by Councilperson Kaner to withdraw this motion and table this item until the next Town Board meeting so that the Town Board, Department of Public Works, and Members of the Union can review and provide written comments, if applicable, regarding the proposed bid specifications. All in favor, except Supervisor Balland was absent. Motion carried.

MINUTES OF TOWN BOARD MEETING OF MARCH 9, 2005

RESOLUTION NO. 120-05  
TOWN OF BIG FLATS ORGANIZATIONAL CHART APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS the Personnel Committee has determined and recommended an update to the Town of Big Flats Organizational Chart, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, effective immediately, accepts and approves the Organizational Chart submitted and dated March 9, 2005.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

CORRESPONDENCE

Residential Assessment Ratio/NYSORPS. A letter was received from New York State Office of Real Property Services, dated February 9, 2005, stating that the residential assessment ratio for July 1, 2003 through June 30, 2004 was 95.99%. Also, since the Town completed an assessment update for 2005 a Residential Assessment Ratio is not established within the year the update is completed.

Seeley Road Condition/P. Belosky. A letter was received from Patrick Belosky, dated February 23, 2005, stating that the maintenance for Seeley Road has deteriorated and is requesting that routine maintenance and snow removal be conducted on this road, specifically so that if an emergency was to happen, these agencies would be able to utilize this road.

Coverage for FLBOA Conference/Director of BI/CEO. A memo was received from Chuck Coons and Eric Corey, Building Inspection/Code Enforcement Office, providing a schedule of office coverage with they are attending the Finger Lakes Building Officials Association, Inc.

A memo was received from Chuck Coons, Director of Building Inspection/Code Enforcement, dated March 9, 2005, providing the Town Board with an update regarding the status of the Sykora property located at 78 Hammond Street, specifically that Greg Haverly will be in charge of remodeling of the structure.

Since there was no further business to come before the Board, Councilperson Gardner made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 5:43 p.m. All in favor, except Supervisor Balland was absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF MARCH 23, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                                  Duane Gardner  
                                  Dean Frisbie  
                                  Leonard Kaner  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

Supervisor Balland called the Town Board Meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

### MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of February 23, 2005 with the correction of Supervisor Balland calling the Public Hearing to order instead of Attorney Reed. All in favor, motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of March 9, 2005 as presented. All in favor, motion carried.

### REPORTS

Supervisor Balland provided updates of the comprehensive plan and explained that surveys have been available through baseball signups, youth basketball league, lacrosse league, Town Hall, Community Center, Methodist Church, Presbyterian Church, Historical Society and a few businesses in the Town. At the current time the Town has received 350 completed surveys.

Town Center plan has been returned to Laberge Group with comments. A meeting is scheduled for April 8, 2005 to meet with representatives of NYS Department of Transportation to discuss concerns raised by the Town Center committee.

Supervisor Balland stated a letter to the editor was in the Elmira Star Gazette regarding the vehicles parking close to the intersection of Main and Canal Streets and this issue is being reviewed and discussed with Tim Von Neida, Commissioner of the Chemung County Department of Public Works.

PUBLIC HEARING:                           7:05 P.M. Lighting District Improvement

Attorney Reed called the Public Hearing to order at 7:05 p.m. and read the legal notice published in the Corning Leader on March 14, 2005, to allow and consider public comments concerning the proposed improvements to the Lighting District.

IN FAVOR:           None  
OPPOSITION:       None  
COMMENTS:         None

Since there were no further comments, the Public Hearing was closed at 7:07 p.m.

## MINUTES OF TOWN BOARD MEETING OF MARCH 23, 2005

### CONCERNS OF THE PEOPLE

Donald Coyles of Shull & Coyles, representing John Roy and Roy Builders, Inc., stated that he had sent a letter to the Water Board, dated March 21, 2005, regarding a concern by Mr. Roy with the fairness of assessing Mr. Roy for a bond 20 years old when he was required to extend the water line in excess of three-quarters of a mile to his subdivision and install water lines for his subdivision. At this time Mr. Roy is asking for the Board to review this situation and advise if there is anything that can be done to alleviate this inequity. Supervisor Balland explained that the Town Board did receive a copy of the letter by Attorney Coyles and felt that this matter should be reviewed and a response in the near future. Attorney Reed briefly explained the benefits of the assessment.

### REPORTS continued

An outline of the proposed library charter was provided to the Library committee and if the Town Board is interested in obtaining a copy please see the Town Supervisor.

An article was published in the Elmira Star Gazette regarding a Whitney Cemetery property dispute; however, a meeting was held with Mr. Miller, Councilperson Fairbrother and the Town Supervisor and it was understood that the survey is a legal document. Attorney Reed reiterated that during the discussions with Mary Barnes it was with respect to the "Whitney Cemetery". The Whitney Cemetery as understood and agreed was only the fenced in are and there was no further discussions of other graves.

### OLD BUSINESS

Sykora Property Report. A memo was received from Chuck Coons, dated March 23, 2005, indicating that an inspection was completed at the Sykora property and it was determined that the rough-in wiring and inspection has been completed; interior structural repairs have been made; however additional structural problems were uncovered. The contractor is concentrating on the upstairs by installing new windows, painting the smoke damaged lumber with a product that seals in the smoke smell and installing insulation in the ceiling and walls.

### RESOLUTION NO. 121-05 LIGHTING DISTRICT NO. 1 IMPROVEMENTS APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Town Board has had under consideration the improvement of the facilities of the Town Lighting District No. 1 consisting of the addition of a street light on Church Street and costs incidental thereto, and

WHEREAS the estimated cost of such improvement is \$120 annually, and

WHEREAS such cost shall be annually apportioned among the aforesaid Lighting District by the Town Board and such amounts so apportioned shall be levied and collected in the Lighting District in the manner provided by law, and

MINUTES OF TOWN BOARD MEETING OF MARCH 23, 2005

RESOLUTION NO. 121-05, LIGHTING DISTRICT NO. 1 IMPROVEMENTS APPROVED  
continued

WHEREAS the Town Board duly called and completed a public hearing on March 23, 2005 on the questions of improving the facilities of Lighting District No. 1 in the manner described above to hear all persons interested in the subject, and

WHEREAS notice of such public hearing was duly published and posted in the manner and within the time prescribed by Section 202-b of the Town Law and proof of such publication and posting have been duly presented to said Town Board, and

WHEREAS a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard, and

WHEREAS said Town Board has duly considered said improvement, now

THEREFORE BE IT RESOLVED the Town Board determines upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to improve the facilities of Lighting District No. 1 in the manner described in the preambles hereof, and

FURTHER RESOLVED the Town Board hereby determined that the aforesaid improvement of facilities constitutes a Type II Action under SEQRA regulations of the State of New York which, by definition, will not have a significant impact upon the environment, and

FURTHER RESOLVED the Commissioner of Public Works is authorized to execute the work for the additional street light improvement.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 122-05  
JOHN DEERE MOWER MODEL 1600T PURCHASE APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS the Commissioner of Public Works recognizes the need to purchase a new mower, and

WHEREAS the purchase of a new mower was planned and budgeted by the Town Board for the year 2005, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MARCH 23, 2005

RESOLUTION NO. 122-05, JOHN DEERE MOWER MODEL 1600T PURCHASE  
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a John Deere mower Model 1600T with a width cut of 138 inches as outlined on State Bid Contract #PC61402 Item 18 for the sum not to exceed \$33,968.33.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 123-05  
WOLOSON PERMANENT DRAINAGE EASEMENT APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS the Town Board has determined that a permanent drainage easement is necessary to build, construct, maintain, use, operate repair and/or reconstruct certain drainage facilities on lands owned by Kent R. Woloson and Linda L. Woloson, Tax Parcel 67.04-2-15, TO mitigate known drainage issues in the subject area, and

WHEREAS Kent R. Woloson and Linda L. Woloson have offered for dedication a permanent drainage easement in a form and manner acceptable to the Commissioner of Public Works and Attorney for the Town, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to execute the Drainage Easement and necessary related documents with Kent R. Woloson and Linda L. Woloson, and

FURTHER RESOLVED the Town Board approves a prepayment for the necessary fees associated with filing said papers with the Chemung County Clerk.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 23, 2005

RESOLUTION NO. 124-05

STC REGIONAL LEADERSHIP CONFERENCE ATTENDANCE APPROVED

Resolution by: Frisbie

Seconded by: Garnder

WHEREAS the Town Board has determined that the STC Regional Leadership Conference sponsored by the Southern Tier Central Regional Planning & Development Board is a beneficial conference for Town employees, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the payment in the amount of \$260.00 for the purpose of the following staff to attend the 9<sup>th</sup> Annual Southern Tier Central Regional Leadership Conference on April 14, 2005 at Corning Community College:

Kim Seymour, Merlyn Tiwari, Helen Schwartz, Charles Wood, Donald Gaylord, Mary Ann Balland, Larry Wagner, Jay Boudreau, Pam Kowulich, Duane Gardner, Thomas Reed, William Haner and Richard Bauer, and

FURTHER RESOLVED the Town Board authorizes the Bookkeeper to complete a prepayment to the Southern Tier Central Regional Planning & Development Board in the amount of \$260.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 125-05

DAVIDSON & O'MARA AGREEMENT APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS on or about March 18, 2005, Mee Jo and Sughe Menn Jo commenced action against Town Justice Charles Wood, and

WHEREAS the Town Board has determined that it is necessary entered into an agreement with Davidson & O'Mara for the purposes of representing the Justice Charles Wood, and

WHEREAS, this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Town Supervisor to enter into an agreement with Davidson & O'Mara, for purposes of representing the Justice Wood in the Notice of Petition, at the rate of \$125.00 per hour for attorneys and \$35.00 per hour for investigation.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF MARCH 23, 2005

RESOLUTION NO. 126-05  
BUDGET AMENDMENT APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS the Town has received the second installment from the State of New York for the Community Development Block Grant technical assistant grant, and

WHEREAS a 2005 budget amendment is required, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget amendment:

Increase Estimated Revenue A0510  
State Aid Planning Studies A3902     \$9,110

Increase Estimated Expenses A0960  
Engineering A1440.0400     \$9,110

CARRIED:    AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
                 NAYS: None

RESOLUTION NO. 127-05  
WATER DISTRICT #4 BUDGET TRANSFER APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS Water District #4 incurred unexpected expenses due to a malfunctioned well, and

WHEREAS a new well pump and a chlorine booster pump purchase was required that resulted in a budget transfer being required, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer for Water District #4:

FROM:	Fund Balance	S40909	\$5,800
TO:	S&S Power & Pump	S48320.0400	\$5,000
	Purification	S48330.0400	\$ 800

CARRIED:    AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
                 NAYS: None



MINUTES OF TOWN BOARD MEETING OF MARCH 23, 2005

RESOLUTION NO. 128-05  
ABSTRACT OF AUDITED VOUCHERS FOR MARCH 2005 APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for March 2005, vouchers 2679 – 2780, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$35,349.06
HIGHWAY FUND	\$39,273.75
CAPITAL PROJECT #6	\$ 7,458.93
WATER DISTRICT #1	\$ 9,033.38
WATER DISTRICT #2	\$ 3,924.22
WATER DISTRICT #3	\$ 1,454.36
WATER DISTRICT #4	\$ 1,664.95
LIGHTING DISTRICT	\$ 686.36
TRUST & AGENCY	\$ 3,715.24

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 129-05  
RESOLUTION NO. 12-05 RESCINDED

Resolution by: Balland  
Seconded by: Gardner

RESOLVE the Town Board rescinds Resolution No. 12-05.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: Frisbie

CORRESPONDENCE

Programming Affiliate Agreements Update/Time Warner Cable. A letter was received from Time Warner Cable, dated March 8, 2005, informing the Town of the discontinuance of carriage of Fox Sports New York, the MSG Network and Fox College Sports channels.

Intergovernmental Review/STCRP&DB. A memo was received from Marcia Weber, Executive Director of Southern Tier Central Regional Planning & Development Board, dated March 4, 2005, requesting the Town to complete the project information sheet for the proposed 2005-2009 capital improvement plan for the Elmira-Corning Regional Airport.

Brookline Avenue Road Conditions/W. Hama. A letter was received from William Hama, dated March 13, 2005, reporting that the road conditions on Brookline Avenue between Shady Knoll and Alvord Drive have deteriorated and the road is impassable.

## MINUTES OF TOWN BOARD MEETING OF MARCH 23, 2005

Annual Financial Report/BF No. 1 Fire District. The annual financial report was received from Big Flats No. 1 Fire District for the fiscal year ended 2004.

Councilperson Fairbrother reported that Water District #4 pump relay had a delay; however, the relay has been replaced and the pump has been working effectively.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 7:38 p.m. All in favor. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                      Council       Edward Fairbrother  
                                      Duane Gardner  
                                      Dean Frisbie  
                                      Leonard Kaner  
                      Clerk        Teresa Dean

ABSENT:           Attorney     Thomas Reed

Supervisor Balland called the Town Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

PRESENTATION:   YOUTH – Nancy Reidy

An outline of the Youth Services was presented to the Town Board which outlined the Youth Commission Members; Operational Guidelines; Programs; Administration; and Budget. After a brief discussion with Nancy Reidy – Recreational Leader and Robert Thorborg – Chairperson of the Youth Commission, Councilperson Kaner requested a list showing the programs offered, including the time period, and the number of children attending these program.

NOTE: Attorney Reed arrived at 4:35 p.m.

PRESENTATION:   PARKS – Sheila Dilmore

The Town Board was provided with an outline of the proposed pavilion for Community Park Extension that outlined the cost estimates and work plans. Don Gaylord has volunteered to place the forms for the footers and concrete floor and the Parks Commission intends to erect the pavilion with volunteers.

### REPORTS

The following reports for March 2005 have been received and area on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance (February and March); SPCA and Dog Licensing Monthly Report; Assessor's Monthly Report; Assessor's Annual Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report; Community Center Monthly Report; Department of Public Works Monthly Report; Youth Commission Minutes (February and March).

### CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, questioned why Councilperson Fairbrother voted reluctantly to the resolution rescinding the Town official newspaper? Councilperson Fairbrother stated Corning Leader is just as important as the Star Gazette and the Corning Leader was significantly less expensive than the Star Gazette.

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

NEW BUSINESS

RESOLUTION NO. 130-05

STEELE MEMORIAL LIBRARY CONTRACT FOR CALENDAR YEAR 2005 APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS in accordance with Section 256 of the Education Law of the State of New York the Town of Big Flats is authorized to contract for services with the Steele Memorial Library System of Chemung County, and

WHEREAS the Town Board and the County of Chemung have determined that upon the execution of said contract that certain services will be provided by the Big Flats Branch Library, and

WHEREAS for environmental purposes this a Type II Action for purposes of SEQRA in accordance with 6NYCRR, Part 617.5 (c)(20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the contract with Steele Memorial Library commencing January 1, 2005 and continuing until December 31, 2005 at a total contract price of \$92,259.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 131-05

SUPPORTING REQUEST FOR NEW MEASURES FOR FINANCING PUBLIC  
EDUCATION APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS the residents of the Town of Big Flats have collectively considered the local issues of greatest concern to them and identified high property taxes as one of the highest priority among them, and

WHEREAS funding for local governmental services, including public education, is provided primarily through a tax on the estimated value of property, and

WHEREAS the welfare of the Town of Big Flats homeowners is jeopardized by the rapid increase in the costs of public education and the inability of many homeowners to pay these increased costs, and

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO. 131-05, SUPPORTING REQUEST FOR NEW MEASURES FOR FINANCING PUBLIC EDUCATION APPROVED continued

WHEREAS the increasing burden of public education on taxpayers also impacts on the ability to raise other taxes to provide services and to fund Town specific and local initiatives important to the well-being of the community, now

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats appeals to New York State public officials to implement new measures for financing public education, including the following suggested actions:

1. Ensure equity in a formula for funding public education based on the taxpayers' ability to pay;
2. Decrease the revenue raised from tax sources based on the value of dwellings;
3. Refrain from imposing state mandated requirements upon school systems without corresponding state funding;
4. Adjust the formulas on revenues earmarked as aid to education from state lottery and other future gaming activities so that the annual percentage is substantially increased from current levels;
5. Maintain the enhanced STAR exemption for the Town's neediest citizens, but also increase the STAR exemption for senior citizens specifically at all income levels; and
6. Regain lost tax revenue from the above actions through income tax.

FURTHER RESOLVED the aforementioned recommendation be submitted to New York State Senators George H. Winner, Jr. and Joseph Bruno, New York State Assembly Representatives Thomas F. O'Mara and Sheldon Silver, and Governor George Pataki, with a letter on behalf of the citizens of the Town of Big Flats urging their immediate attention.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 132-05  
STC REGIONAL LEADERSHIP CONFERENCE ATTENDANCE APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS the Town Board has determined that the STC Regional Leadership Conference sponsored by the Southern Tier Central Regional Planning & Development Board is a beneficial conference for Town employees, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO. 132-05, STC REGIONAL LEADERSHIP CONFERENCE  
ATTENDANCE APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes Nancy VanMaarseveen to attend the 9<sup>th</sup> Annual Southern Tier Central Regional Leadership Conference on April 14, 2005 at Corning Community College.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 133-05  
DELORES WILCOX TIMBER HARVESTING APPROVED

Resolution by: Frisbie  
Seconded by: Fairbrother

WHEREAS a Timber Harvesting Application has been received from Mrs. Delores Wilcox to harvest approximately 86,000 board feet of timber from approximately 48 acres of land, Tax Parcel #47.00-1-24.1, and

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will consist of a select cut of timber.
2. The timber harvesting will begin in April 2005.
3. Disturbed areas including skid trails, haul roads, and the landing area will be smoothed on completion of the logging operation and seeded with rye grass, as needed.
4. Diversion ditches and water bars as required will be installed to prevent erosion.

BE IT THEREFORE RESOLVED the application for a Timber Harvesting Permit submitted by Delores Wilcox be approved as follows:

1. The logging operation, as proposed, will involve trucks using Beers Hill Road, Chambers Road, Sing Sing Road, Kahler Road to Interstate 86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield.
2. The transport of logs may only occur between the hours of 8:00 a.m. to 9:00 p.m. daily with the exception that on days that public schools are in session the transport of logs is not to occur earlier than 8:30 a.m. or between the hours of 1:30 and 4:30 p.m.
3. Chambers Road shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and will be cleaned when required by the Code Enforcement Officer as a result of inspections he may perform.
4. A performance bond or certified check in the amount of \$1,440.00 must be posted with the Town Clerk prior to beginning the timber harvesting operation. The bond or check will be returned upon the satisfactory completion of all logging operations, compliance with the condition of this resolution, and a final inspection of the timber harvesting site

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO. 133-05, DELORES WILCOX TIMBER HARVESTING APPROVED  
continued

by the logger involved, Foresters, the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.

5. The logger shall obtain and file proof of Vehicle, General Liability Insurance, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and property damage of \$250,000 for logging operations with the Code Enforcement Officer at least two business days prior to commencing any work. Said proof of insurance must name the Town of Big Flats as additional insured and be approved by the Town Attorney prior to the commencement of work.
6. As work progresses, the logger shall install diversion ditches and/or water bars as necessary to prevent soil erosion on haul roads, skid trails, and at the landing area.
7. Upon completion of the logging operation, all skid trails, roads and landing areas shall be graded and seeded with rye grass as needed.
8. Upon completion of the harvesting activity, reclamation of the site shall be performed by the logger. Haul roads shall have water bars placed at the following intervals:

ROAD GRADE	SPACING IN FEET
2-5%	300-500 FT.
6-10%	200-300 FT.
11-15%	100-200 FT.
16 & GREATER	100 FT.

9. The logger shall notify the Code Enforcement Office within five days of completion to coordinate on-site inspections.
10. The logging site shall be subject to periodic inspections by the Code Enforcement Officer and Chemung County Soil and Water Conservation Service representatives at any time during the course of the operation. These inspections will be done during the normal working hours of the logger.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO. 134-05  
BASKET WEAVING INSTRUCTOR CONTRACT APPROVED

Resolution by: Balland  
Seconded by: Kaner

WHEREAS the Community Center Director has determined and recommended that a Basket Weaving Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Debbie Blauvelt for the purpose of teaching the following basket weaving in accordance with the terms and conditions of the agreement:

Pie basket	\$25.00 per person
Napkin basket	\$20.00 per person
Monica's basket	\$25.00 per person
Emily's basket	\$18.00 per person

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 135-05  
HOMEWORK/READING PROGRAM INSTRUCTOR CONTRACT APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Community Center Director has determined and recommended that a Certified teacher is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Jenny Dean for the purpose of conducting the Homework/Reading program at a cost of \$25.00 per session for January 1, 2005 through December 31, 2005 in accordance with the terms and conditions of the agreement.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO. 136-05  
DAVIS-ULMER AGREEMENT APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS testing and inspection of the sprinkler systems and backflow preventers is required by New York State regulations, and

WHEREAS at the request of the Commissioner of Public Works, Davis-Ulmer, Inc. has submitted a proposal to provide inspection, testing, and preventative maintenance for the sprinkler systems and backflow preventers in the Community Center and two Department of Public Works buildings, and

WHEREAS the inspection, testing, and preventative maintenance of the sprinkler system will be performed in accordance with 901.6 of the Fire Code of New York State and Chapters 5 and 12 of NFPA 25-1998 edition, and

WHEREAS the Commissioner of Public Works recommends the Town Board enter into a maintenance agreement with Davis-Ulmer, Inc for the purpose of providing inspection, testing, and preventative maintenance on the sprinkler systems and backflow preventers within said buildings, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Davis-Ulmer, Inc. for the purpose of providing inspection, testing, and preventative maintenance on the sprinkler systems and backflow preventers for the Community Center and two Department of Public Works buildings at a cost of \$845.00 annually.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO.137-05  
AIR TEMP HEATING AND AIR CONDITIONING, INC. AGREEMENT APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS at the request of the Commissioner of Public Works, Air Temp Heating and Air Conditioning, Inc. has submitted proposal #PC01953A to provide maintenance service for the Town Hall and Post Office, and

WHEREAS the Commissioner of Public Works recommends the Town Board enter into a maintenance agreement with Air Temp Heating and Air Conditioning, Inc for the purpose of providing maintenance on the HVAC systems within said buildings, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Air Temp Heating and Air Conditioning, Inc. for the purpose of providing maintenance on the HVAC systems for the Town Hall and Post Office buildings at a cost of \$3,516.00 annually, beginning May 1, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 138-05  
LABERGE GROUP AGREEMENT APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the Town of Big Flats Planning Board has received a request from Commercial Net Lease Realty Services for site plan approval for retail development on tax parcel #58.03-1-53, and

WHEREAS the Town of Big Flats Planning Board has determined that review of the site plan submitted by Bohler Engineers is technical in nature and that a consultant is required for review on behalf of the Town, and

WHEREAS the Laberge Group has agreed to provide review of the drainage study at a cost not-to-exceed \$20,000.00, and

WHEREAS, the Town Municipal Code, Section 2.12.050, requires the applicant establish an account with the Town for payment of the consultant for the Town for their review of said application, and

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO. 138-05, LABERGE GROUP AGREEMENT APPROVED continued

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with the Laberge Group for purposes of providing technical review for the retail development application subject to the review and approval by the Attorney for the Town, and

FURTHER RESOLVED the Town agrees to perform for such services the cost not-to-exceed Twenty Thousand Dollars (\$20,000.00) with all costs to be assessed and charged to the Applicant.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 139-05  
DEPUTY TOWN CLERK RESIGNATION ACCEPTED WITH GRATITUDE AND  
AUTHORIZE THE TOWN CLERK TO ADVERTISE SAID POSITION

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS Kim Seymour, Deputy Town Clerk, has submitted her notice of resignation effective April 22, 2005, and

WHEREAS the Town Board and Town Clerk accepts this resignation, and

WHEREAS, the administration and management of Town personnel is a Type II action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Supervisor send Ms. Seymour a letter of acceptance and gratitude for her dedication and service, and

FURTHER RESOLVED the Town Board authorizes the Town Clerk to advertise said position.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

OLD BUSINESS

Sykora Update. A memo was received from Chuck Coons – Director of Code Enforcement, dated April 12, 2005, informing the Town Board that the second floor sheetrock is nearly complete, first floor two rooms has been sheetrocked, and the lot has been cleaned of the majority of debris. A meeting will be held with the contractor to redefine the work schedule agreement.

RESOLUTION NO. 140-05  
RICK McNEILLY PREPAYMENT APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS it has been determined that a prepayment is required, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes a prepayment to Rick McNeilly for the purposes for professional audit fees in the amount of Seven Thousand Three Hundred Fifty Dollars (\$7,350.00).

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 141-05  
R. L. CALLAHAN INC. PREPAYMENT APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS it has been determined that a prepayment is required, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town

FURTHER RESOLVED the Town Board authorizes a prepayment to R. L. Callahan Inc. for the purpose of providing gravel for Brown Road in the amount of Three Thousand Three Hundred Fifty Nine Dollars and Fifty Cents (\$3,359.50).

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO. 142-05  
CHECK VOID AND PREPAYMENT APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS it has been determined that a check must be voided, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes check No. 002227 issued to Adam's Mark Buffalo for an amount of \$468.00, and

FURTHER RESOLVED the Town Board authorizes a prepayment to Adam's Mark Buffalo for an amount of \$310.00.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

CORRESPONDENCE

Whitney Park Walking Path/American Academy of Pediatrics. A letter was received from Jacob Felix, Vice President of American Academy of Pediatrics, dated March 17, 2005, informing the Town that as a Pediatrician he encourages and supports the effort of the Town creating a walking path at Whitney Park.

Bennett Road Concerns/Howe. A letter was received from Robert and Patricia Howe, dated March 29, 2005, expressing concerns with the water runoff at the intersection of Bennett Road and Riverwood.

Executive Director Resignation/CC Humane Society & SPCA. A letter was received from Cynthia Branley, Executive Director of the Chemung County Humane Society and Society for the Prevention of Cruelty to Animals, Inc., dated March 25, 2005, informing the Town of her resignation.

The River Muse – March 2005. The River Muse, dated March 2005, was received providing an update of the Chemung River groups, activities, planning and potential.

Rezoning of Daniel Zenker Drive/J. Welliver. A letter was received from Jerry Welliver, dated March 29, 2005, requesting a discussion to consider rezoning of property along Daniel Zenker Drive.

## MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

Notice of Voluntary Unit/Fortuna Energy Inc. A letter was received from Fortuna Energy Inc., dated March 15, 2005, informing the Town Board of the formation of a voluntary unit and the Declaration of Polling for the Fred Andrews #1 well.

Release of Royalty Payments/Fortuna Energy Inc. A letter was received from Judy Harding – President of Fortuna Energy Inc., dated March 7, 2005, providing an overview of Fortuna activities regarding royalty payments, drilling activity, leasing land, natural-gas production and community benefits.

ECTC Planning Committee Meeting Minutes – January 2005. A copy of the ECTC Planning Committee meeting minutes of January 20, 2005 was received from James Clements, Secretary of the Planning Committee.

Growth of Trees/G. M. Cunningham. A letter was received from G. M. Cunningham, dated March 21, 2005, cautioning the Town about planting trees that may grow larger than anticipated and in the future may require removal.

Liquor License Renewal Notice/Tag's. A notice was received from Monitag Inc. dba Tag's Tavern, dated April 5, 2005, informing the Town Clerk of their intent to renew their liquor license for the restaurant and concert facility.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the Town Board workshop at 5:22 p.m. All in favor. Motion carried.

### WATER BOARD

Supervisor Balland called the Water Board meeting to order at 5:22 p.m.

#### NEW BUSINESS

##### RESOLUTION NO. 143-05

##### PUBLIC HEARING FOR WATER DISTRICT NO. 2 EXTENSION APPROVED

Resolution by: Fairbrother

Seconded by: Gardner

WHEREAS the boundaries of the proposed extension to said district are set forth and described in the following:

All that tract or parcel of land situated in the Town of Big Flats, County of Chemung, State of New York, all as shown on a plan entitled "Town of Big Flats Water District #2 Extension", prepared by Fagan Engineers dated May 1999, having Project No. 95.111 and being more particularly bounded and described as follows:

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO. 143-05, PUBLIC HEARING FOR WATER DISTRICT NO. 2  
EXTENSION APPROVED continued

Beginning at a point on the Southerly Boundary of New York State Route #17 being and existing corner of the Big Flats Water District #2 that is located approximately 2700 feet easterly from the centerline of County Route #17 (Hibbard Road); thence northerly along a line located 2700 feet easterly from and parallel to the centerline of County Route 17, at an interior angle of approximately 294°20', a distance of 3845.03 feet more or less to a point located 200 feet southerly from the centerline of Sing Sing Road being the corner of the Existing Water District #2 Extension as extended by the Town of Big Flats Resolution No. 267-90 and as shown on Weiler Associates Map 7349.3; thence easterly along a line 200 feet southerly of and parallel to the centerline of Sing Sing Road being the southerly boundary of the existing Water District #2 as extended by the Town of Big Flats Resolution 267-90 a distance of 2182.36 feet more or less to a point; thence S 07° 58'47" W along a line 200 feet easterly of and parallel to the centerline of Kahler Road a distance of 1062.49 feet more or less to a point; thence S 17° 13'6" W along a line 200 feet easterly and parallel to Kahler Road a distance of 801.01 feet to a point; thence S 59° 09'56" W a distance of 1654.54 feet more or less along the southerly lot lines of Lots 11, 12, 13, 14 and the projection of the southerly lot line of Airport Corporate Park to a point at the northeasterly lot corner of Lot 9 of the Airport Corporate Park; thence S 00° 09'34" E a distance of 873.16 feet to a point on the southerly right of way boundary of New York State Route #17 being the existing northerly boundary of Water District #2; thence westerly along the southerly right of way boundary of New York State Route #17 and the existing Water District #2 boundary a distance of 677.39 feet more or less to the point and place of beginning.

WHEREAS a map, plan and report detailing said extension, entitled "Town of Big Flats Proposed Extension to Water District #2, Fagan Engineering Project #95.111 for the property of the Big Flats Water District No. 2, prepared by Fagan Engineers, a copy of which is on file with the Town Clerk; and

WHEREAS the improvements proposed consist of the construction of a water system serving said proposed extension said proposed extension area at the approximate locations and in the manner set forth and described in said map, plan and report, and

WHEREAS the maximum amount proposed to be expended for such improvement is \$0.00; the estimated cost of hook up fees is \$2500.00 and the estimated cost of the extension to the typical property and, if different, the typical one or two family home will be as follows: 1) estimated share of extension costs is \$0.00, 2) estimated water usage fee / year is \$115.00, 3) estimated share of associated with existing district improvements is \$22.00 per unit. Total estimated first year charges are \$137.00, and

WHEREAS no financing is necessary to complete such improvement, and

WHEREAS the above action is an Unlisted action for the purposes of SEQRA, with the Town of Big Flats Town Board hereby being declared the lead agency thereon; and

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2005

RESOLUTION NO. 143-05, PUBLIC HEARING FOR WATER DISTRICT NO. 2  
EXTENSION APPROVED continued

WHEREAS the Town will make a determination if the implementation of the subject action will result in any significant adverse impact on the environment upon the completion of the public hearing set herein; and

THEREFORE NOW BE IT RESOLVED pursuant to Town Law Section 193 that the Town Board of the Town of Big Flats shall meet at the Town Hall, located at 476 Maple Street, Town of Big Flats, on the 27th Day of April 2005, at 7:03 o'clock P.M. for the purpose of conducting a public hearing on the proposal to extend Water District No. 2 as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered and authorized to publish a copy of this Order in the Elmira Star Gazette for the Town, as required and provided for by law, and

BE IT FURTHER RESOLVED that the Town Clerk shall file a certified copy of this order with the State Comptroller's Office as required and provided by law.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the Water Board meeting at 5:25 p.m. All in favor. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk



## MINUTES OF TOWN BOARD MEETING OF APRIL 27, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Duane Gardner  
                                  Dean Frisbie  
                                  Leonard Kaner  
                  Clerk       Teresa Dean

ABSENT:           Council       Edward Fairbrother  
                  Attorney     Thomas Reed

Supervisor Balland called the Town Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

### REPORTS

Supervisor Balland briefly provided reports regarding the following items:

- Street light has been installed on Church Street;
- Discussions have been held with Edwina Davies regarding Whitney Cemetery graves;
- RAMS meeting held April 26, 2005 with discussions regarding library district, landfill and community college charge-backs. A shared service meeting will be conducted on May 26, 2005 to discuss snowplowing route analysis;
- County wide police force;
- A meeting may be scheduled to discuss the Roy gravel pit;
- A jury trial has been scheduled for June 17, 2005 regarding the cutting of bushes;
- A notice was received regarding a Brownfield found at Schweizer Aircraft; and
- State representatives were at the Community Center discussing gas well drillings.

PUBLIC HEARING:                           7:03 P.M. Water District #2 Extension

Supervisor Balland called the Public Hearing to order at 7:03 p.m. and read the legal notice published in the Star Gazette on April 19, 2005, to allow and consider public comments concerning the proposed Water District #2 extension.

IN FAVOR:           None  
OPPOSITION:       None  
COMMENTS:         None

Since there were no further comments, the Public Hearing was closed at 7:04 p.m.

### MINUTES

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of March 23, 2005 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Frisbie, to approve the minutes of April 13, 2005 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

## MINUTES OF TOWN BOARD MEETING OF APRIL 27, 2005

### CONCERNS OF THE PEOPLE

Councilperson Frisbie thanked Mr. Smith, a reporter from the Corning Leader, for attending the Town meetings and for the quality of their newspaper.

NOTE: Attorney Reed arrived at 7:05 p.m.

Gary Bernhardt, 809 Harris Hill Road, asked for clarification of the determination of official newspaper and asked what are the penalties for not using a newspaper within ones county? Attorney Reed stated that this is statutory and opinions have been written relative to this issue; however, not specifically for the Town of Big Flats. It was recommended that the Town use a newspaper in their own County. As for any penalties, there is always the potential that the action conducted may be subject to potential challenge.

### OLD BUSINESS

Sykora Property Report. A memo was received from Chuck Coons, Director of Code Enforcement, dated April 27, 2005, providing an updated report of the status of renovation to the Sykora property located at 78 Hammond Street. Coons indicated the second floor was to be fully insulated and drywall substantially complete; however, the insulation and ceiling is still not complete. Living room ceiling sheetrock is nearly complete and the entire room is gutted. It appears that there is concern with the financial status for completing this project. The Town Board requested the Director of Code Enforcement make a full inspection of the interior of the structure and make a brief report of the findings at the May 11, 2005 Town Board meeting.

### RESOLUTION NO. 144-05

#### ARNOT REALTY CORPORATION TAX CERTIORARI A APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS Arnot Realty Corporation commenced an Article 78 proceeding challenging the tax assessment of 3300 Chambers Road in the Town of Big Flats, bearing caption "ARNOT REALTY CORPORATION v. William Torp, as the Assessor of the Town of Big Flats, New York, the Board of Assessment Review of the Town of Big Flats, New York", Index No. 2004-1908, and

WHEREAS the parties have reached a tentative settlement of all such proceedings by way of a letter from the Attorney for the Town dated April 19, 2005, a copy of which is duly filed with the Town Clerk, a summary of which is as follows:

- 1) Assessed value would be reduced to \$49,500,000.00. The reduced assessed value would be reflected in the 2005 tentative tax roll and frozen for three (3) years pursuant to Real Property Tax Law §727; and
- 2) Arnot Realty will waive refunds for the taxes paid under the grieved 2004 tax roll.

WHEREAS this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein, and

WHEREAS the Assessor, David Briggs and the Attorney for the Town have reviewed and recommend said settlement, now

MINUTES OF TOWN BOARD MEETING OF APRIL 27, 2005

RESOLUTION NO. 144-05, ARNOT REALTY CORPORATION TAX CERTIORARI A  
APPROVED continued

BE IT THEREFORE RESOLVED that the Town Board approves and authorizes the proposed settlement as more fully set forth above and hereby authorizes the Attorney for the Town to execute the applicable legal papers to effectuate the same with the corresponding refunds approved.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

NEW BUSINESS

RESOLUTION NO. 145-05  
PARKS CAPITAL EXPENDITURE APPROVED

Resolution by: Balland  
Seconded by: Kaner

WHEREAS the Big Flats Parks Commission has determined the need for the construction of a new pavilion, and

WHEREAS the site for the new pavilion will be at Community Park Extension, and

WHEREAS the approximate cost for said pavilion will be \$20,000.00, and

WHEREAS the Commissioner of Public Works is requesting \$20,000.00 be taken from the Parks Capital account for the purpose of constructing the pavilion at Community Park Extension, and

WHEREAS a Parks Capital Project Fund as outlined in Resolution No. 393-01 was established, and

WHEREAS said expenditure is subject to a permissive referendum, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes up to Twenty Thousand Dollars (\$20,000.00) be taken from the Parks Capital account for the purpose of constructing the pavilion at Community Park Extension, and

FURTHER RESOLVED the Town Board authorizes the Town Clerk, in accordance with Town Law Article 7, to advertise a notice that such expenditure is subject to a permissive referendum in the Elmira Star Gazette.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF APRIL 27, 2005

RESOLUTION NO. 146-05  
DEFERRED COMPENSATION AMENDMENT AND RESTATE THE MODEL PLAN  
APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the New York State Deferred Compensation Board (the "Board") pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated to Plan Document of the Deferred Compensation Plan for Employees of the Town of Big Flats (the "Model Plan") and offered the Model Plan for adoption by local employers, and

WHEREAS the Town of Big Flats, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Big Flats, and

WHEREAS effective May 21, 2004 the New York State Deferred Compensation Board amended the Model Plan to adopt provisions relating to:

- Authorization to reject a participant investment request if the request is contrary to the rules, regulations or prospectus of the affected investment fund.
- Authorization to distribute assets that have been rolled into the plan from another qualified retirement plan in accordance with the distribution rules of the plan that previously held the assets.
- Limitations on a participant's eligibility to obtain a loan in the event that the participant has previously defaults on a loan.
- Modifications related to comments provided by the Internal Revenue Service in response to the Board's request for a private letter ruling stating that the Model Plan document constitutes an "eligible deferred compensation plan".
- Technical amendments pertaining to plan loan rules and the status of plan loans and other withdrawals upon the death of a participant.

WHEREAS the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations, and

WHEREAS upon due deliberation, the Town of Big Flats has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Big Flats by adopting the amended and restated Model Plan.

NOW, BE IT THEREFORE RESOLVED that the Town of Big Flats hereby amends the Deferred Compensation Plan for Employees of the Town of Big Flats effective April 27, 2005 by adopting the amended and restated Model Plan effective May 21, 2004.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF APRIL 27, 2005

RESOLUTION NO. 147-05  
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS it has been determined that a general fund budget transfer is necessary, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer for General Fund:

FROM:	Contingency	A1990.0400	\$17,000
TO:	Workers Comp	A9040.0800	\$7,000
	Judgments & Claims	A1930.0400	\$10,000

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 148-05  
WATER FUND BUDGET TRANSFER APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS the Water Districts incurred unexpected expenses and a budget transfer is necessary, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget transfer for Water District #1:

FROM:	Engineering	S11440.0400	\$2,000
TO:	Purification	S18330.0400	\$2,000

Water District #2

FROM:	Engineering	S21440.0400	\$1,000
TO:	Purification	S28330.0400	\$1,000

Water District #3:

FROM:	Engineering	S31440.0400	\$500
TO:	Purification	S38330.0400	\$500

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

MINUTES OF TOWN BOARD MEETING OF APRIL 27, 2005

RESOLUTION NO. 149-05  
ABSTRACT OF AUDITED VOUCHERS FOR APRIL 2005 APPROVED

Resolution by: Kaner

Seconded by: Frisbie

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for April 2005, vouchers 2781 – 2919, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$91,193.13
HIGHWAY FUND	\$43,852.79
WATER DISTRICT #1	\$ 8,572.78
WATER DISTRICT #2	\$ 8,302.37
WATER DISTRICT #3	\$ 2,767.26
WATER DISTRICT #4	\$ 822.56
LIGHTING DISTRICT	\$ 686.36
TRUST & AGENCY	\$ 2,868.22

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother

CORRESPONDENCE

Shadowstand Properties – Orthstar/CCIDA. A copy of a memo was received from George Miner of Chemung County Industrial Development Agency, written to the Office of Real Property Tax Services, dated April 6, 2005, stating that the property of Shadowstand – Orthstar is responsible for 100% of the normal tax due for calendar year 2005.

Water Concerns/L. Williams. A letter was received from Leo and Sandra Williams, dated April 21, 2005, requesting assistance with a non-functioning diversion ditch located at the rear of their property on Curren Road which is causing damage to the rear of their home and a portion of Curren Road.

Supervisor Balland made a motion, seconded by Councilperson Gardner, to enter into Executive Session immediately following the Water Board meeting to discuss a particular personnel matter. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Frisbie, to temporarily suspend the Town Board meeting. All in favor, except Councilperson Fairbrother was absent. Motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 7:20 p.m.

OLD BUSINESS

MINUTES OF TOWN BOARD MEETING OF APRIL 27, 2005

RESOLUTION NO. 150-05  
WATER DISTRICT NO. 2 EXTENSION – AIRPORT CORPORATE PARK APPROVED

Resolution by: Balland

Seconded by: Kaner

WHEREAS, the necessary map, plan and report was duly presented to the Town with the attached thereto according to law, requesting that an extension to Water District No. 2, as hereinafter described, be established in the Town, and

WHEREAS, the Town Board duly adopted Resolution No. 143-05 at its regularly scheduled meeting on April 13, 2005, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified April 27, 2005 at 7:03 p.m. as the time, and the Town Hall in the Town of Big Flats as the place, where the Town Board would meet to consider a Resolution to approve the extension of Water District No. 2 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Board on this April 27, 2005, commencing at 7:03 p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS, the Town hereby determines upon review of the Short EAF dated April 27, 2005, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Town Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA.

BE IT THEREFORE RESOLVED AND DETERMINED, that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED the establishment of the proposed extension to Water District No. 2, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report, "Town of Big Flats Water District #2 Extension", prepared by Fagan Engineers dated May 1999, having Project No. 95.111, a copy of which is on file with the Town Clerk, and

FURTHER RESOLVED the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there are no costs to the Water District associated with this extension, and

MINUTES OF TOWN BOARD MEETING OF APRIL 27, 2005

RESOLUTION NO. 150-05, WATER DISTRICT NO. 2 EXTENSION continued

FURTHER RESOLVED the Town Clerk of this Town shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

Councilperson Gardner made a motion, seconded by Councilperson Kaner, to adjourn the Water Board meeting. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Supervisor Balland requested the Board enter into Executive Session. Supervisor Balland reconvened the Town Board meeting.

Councilperson Gardner made a motion, seconded by Councilperson Kaner, to adjourn the Town Board meeting at 8:14 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk



## MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Duane Gardner  
                              Dean Frisbie  
                              Leonard Kaner  
                              Edward Fairbrother  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

Supervisor Balland called the Town Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

PRESENTATION: TOWN OF ELMIRA – Attorney Scott Moore, Supervisor Howard Lapple, and Assessor Theresa Murdock.

Mr. Scott Moore, Attorney for the Town of Elmira, provided the Town of Big Flats Town Board with a proposal to annex a property along NYS Route 352, Forest Hills Drive, and Pinewoods Circle. The Town of Elmira owns property along NYS Route 352 and there is a municipal agreement for tax purposes with the Town of Big Flats. The property on Forest Hills Drive and Pinewoods Circle are backyards to homes that are physically located in the Town of Elmira. A majority of the property is assessed at zero in the Town of Big Flats with the exception of property owned by Francisco Corbalon that houses a tennis court and a two family home owned by Virginia Marosek and Kathleen Hardin. The annexation is being proposed rather than having to renew the agreement, the annexation would be something permanent. Supervisor Balland thanked Mr. Moore and stated that Town of Big Flats Town Board would review the proposal.

PRESENTATION: ASSESSMENT– Bill Torp, Assessor, thanked the Town Board for providing allocation in the budget to provide adequate assessment tasks. The tentative roll was completed and approximately 441 changes to the assessment roll were made. With the budget restraints at the State level there will be reproducing of the “A Taxpayer’s Guide: How to File for A Review of Your Assessment” and the Town has a small supply of the guide; however, once these are exhausted people will have to refer to the New York State Office of Real Property Services website. Currently, there is a net increase of \$50,000,000 assessed value; however, this does not include the open building permits.

SYKORA PROPERTY UPDATE. A report was received from Building Inspector Chuck Coons, dated May 11, 2005, providing the status of the first floor, second floor and main portion of the Sykora property located at 78 Hammond Street. A letter was received from Sue Sykora, dated May 9, 2005 requesting a modification of the agreement. It appears that there have been unforeseen repairs that have to be accomplished that were not included in the original agreement. Greg Haverley, brother-in-law of Sue Sykora, has been overseeing the work and indicated that the renovation will take time due to the fact that the house has to be handicap accessible. At this time, they would like to remove the OSB board, old clapboard siding, reinstall the OSB and side the house. After a brief discussion, Supervisor Balland stated she would speak with the Town Board members to determine whether or not the Board is in agreement with accomplishing the exterior work rather than continuing with the interior of the home.

## MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

CONCERNS OF THE PEOPLE. None.

### REPORTS

The following reports for April 2005 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance; SPCA and Dog Licensing Monthly Report; Assessor's Monthly Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report; Community Center Monthly Report; Department of Public Works Monthly Report; Youth Commission Minutes; Parks Commission Minutes (March and April); Tax Collector Final Report.

### NEW BUSINESS

#### RESOLUTION NO. 151-05 SUMMER T.A.F.F.Y. SITES FOR 2005 APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

WHEREAS the Youth Commission has recommended, in a memo dated April 22, 2005, the Summer T.A.F.F.Y. sites for 2005, and

WHEREAS Summer T.A.F.F.Y. is scheduled for June 27 through August 5, 2005 except for July 4, 2005, Monday through Friday from 9:00 a.m. to 3:00 p.m., and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves Summer T.A.F.F.Y. sites for 2005 as Community, Hillview, Maple Shade, Reynolds and Pine Circle Parks and Big Flats Elementary School as the Indoor Site.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

RESOLUTION NO. 152-05  
PERRY PERMANENT DRAINAGE EASEMENT APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Town Board has determined that a permanent drainage easement is necessary to build, construct, maintain, use, operate repair and/or reconstruct certain drainage facilities on lands owned by Craig A. and Jami S. Perry, Tax Parcel 67.02-2-13, to mitigate known drainage issues in the subject area, and

WHEREAS Craig A. and Jami S. Perry have offered for dedication a permanent drainage easement in a form and manner acceptable to the Commissioner of Public Works and Attorney for the Town, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to execute the Drainage Easement and necessary related documents with Craig A. and Jami S. Perry, and

FURTHER RESOLVED the Town Board approves a prepayment for the necessary fees associated with filing said papers with the Chemung County Clerk.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

RESOLUTION NO. 153-05  
FREEDOM OF INFORMATION APPEAL SUBMITTED BY ROBERT IZZO DENIED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS, on or about April 1, 2005 Robert F. Izzo filed Freedom of Information requests with the Town seeking the following: any and all billing documents or bill statements received by the Town of Big Flats, New York (for any building or buildings located on the Big Flats Municipal Campus) from New York State Electric and Gas (NYSEG) for the calendar year 2004; any contract between the Town of Big Flats, New York and John Roy or Roy Builders Inc., 2418 Johnson Road, Horseheads, New York 14845 concerning property located at the intersection of Barnes Hill Road and Sing Sing Road, Big Flats, New York for the years 2003, 2004 and 2005; any correspondence received by the Town of Big Flats, New York for the period 2003-present from Timothy Canfield, Big Flats or Horseheads, New York relative to Breed Hollow Road or property located on Breed Hollow Road, Big Flats, New York; and

WHEREAS, on or about April 5, 2005 an acknowledgement was written to Mr. Izzo with further review and anticipated reply to be forwarded no later than June 1, 2005; and

WHEREAS, on or about mid April 2005 a written memo was received by Mr. Izzo referencing his April 1, 2005 letter was received prior to any notices of claim being received by the Town for any incident on Beers Hill Road; and

WHEREAS, on April 15, 2005 the Records Access Officer provided a written response to Mr. Izzo providing copies of the NYSEG bills and denying the remaining items requested on the grounds the request was not reasonably described – our filing system does not file records that identify records in this manner; and

WHEREAS, on or about April 28, 2005, Robert Izzo submitted a written appeal to the Town Clerk seeking review of the denial of the aforementioned Freedom of Information request; and

WHEREAS this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein, now

BE IT THEREFORE RESOLVED the Town Board, after due deliberations having been had thereon, hereby affirms the denial of such records by the Records Access Officer on the grounds as more fully set forth in a MEMO FOR THE RECORD, by Teresa M. Dean, dated May 3, 2005, which is hereby incorporated by reference as if fully set forth herein; and

FURTHER RESOLVED that the Attorney for the Town is hereby authorized to forward this determination to Robert F. Izzo and the New York State Committee on Open Government as provided by law.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

RESOLUTION NO. 154-05  
FREEDOM OF INFORMATION APPEAL REGARDING NYSEG BILL STATEMENTS  
SUBMITTED BY ROBERT IZZO DENIED

Resolution by: Fairbrother

Seconded by: Gardner

WHEREAS, on or about April 1, 2005 Robert F. Izzo filed Freedom of Information requests with the Town seeking the following: any and all billing documents or bill statements received by the Town of Big Flats, New York (for any building or buildings located on the Big Flats Municipal Campus) from New York State Electric and Gas (NYSEG) for the calendar year 2004; any contract between the Town of Big Flats, New York and John Roy or Roy Builders Inc., 2418 Johnson Road, Horseheads, New York 14845 concerning property located at the intersection of Barnes Hill Road and Sing Sing Road, Big Flats, New York for the years 2003, 2004 and 2005; any correspondence received by the Town of Big Flats, New York for the period 2003-present from Timothy Canfield, Big Flats or Horseheads, New York relative to Breed Hollow Road or property located on Breed Hollow Road, Big Flats, New York; and

WHEREAS, on or about April 5, 2005 an acknowledgement was written to Mr. Izzo with further review and anticipated reply to be forwarded no later than June 1, 2005; and

WHEREAS, on or about mid April 2005 a written memo was received by Mr. Izzo referencing his April 1, 2005 letter was received prior to any notices of claim being received by the Town for any incident on Beers Hill Road; and

WHEREAS, on April 15, 2005 the Records Access Officer provided a written response to Mr. Izzo providing copies of the NYSEG bills and denying the remaining items requested on the grounds the request was not reasonably described – our filing system does not file records that identify records in this manner; and

WHEREAS, on or about May 2, 2005, Robert Izzo submitted a written appeal to the Town Clerk appealing the exclusion of NYSEG records for the Community Center building; and

WHEREAS this is a Type II administrative action under SEQRA and thus no further environmental review is necessary herein, now

BE IT THEREFORE RESOLVED the Town Board, after due deliberations having been had thereon, hereby affirms the denial of such records by the Records Access Officer on the grounds as more fully set forth in a MEMO FOR THE RECORD, by Teresa M. Dean, dated May 3, 2005, which is hereby incorporated by reference as if fully set forth herein; and

FURTHER RESOLVED that the Attorney for the Town is hereby authorized to forward this determination to Robert F. Izzo and the New York State Committee on Open Government as provided by law.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

RESOLUTION NO. 155-05  
BOARD OF ASSESSMENT REVIEW SECRETARY APPOINTMENT APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the Board of Assessment Review will be conducting their annual Grievance Day on Tuesday, May 24, 2005 and request the Town Board hire a secretary for these sessions, and

WHEREAS for environmental purposes this a Type 2 Action for purposes of SEQRA in accordance with 6NYCRR, Part 617.5 (c)(20) and as such, requires no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Sheila Dilmore as Secretary for the Board of Assessment Review during the Grievance Day process on May 24, 2005 at her regular rate of pay.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 156-05  
YEARICK / ROZELL SPECIAL USE PERMIT PUBLIC HEARING APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS the Planning Board has received an application from Kevin and Yolanda Rozell for a site plan amendment approval to permit a vehicle repair shop located at 334 Sing Sing Road, Tax Parcel 57.02-2-66, property owned by Donald Yearick, and

WHEREAS the property is located in the Airport Business Development (ABD) district approximately 500 feet east of Airport Road, and

WHEREAS the property contains 0.677 acres, triangular in shape, and has been used for vehicle repair, and is presently vacant, and

WHEREAS vehicle repair is a permitted use in the ABD district with approval of the Planning Board and Special Use Permit approval of the Town Board, and

WHEREAS the Planning board has determined the project to be an unlisted action and has completed the SEQRA review as the Lead Agency, finding no significant potential adverse environmental impact and issued a Negative Declaration, now

MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

RESOLUTION NO. 156-05, YEARICK / ROZELL SPECIAL USE PERMIT PUBLIC HEARING APPROVED continued

BE IT THEREFORE RESOLVED that the Town Board adopts the SEQRA findings of the Planning Board, and

FURTHER RESOLVED the Town Board sets a public hearing for May 25, 2005 at 7:01 p.m. or as soon thereafter as possible to allow and consider comments on the proposed Special Use Permit submitted by Donald Yearick and/or his lessor.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 157-05  
STBOA TRAINING/BUSINESS MEETING ATTENDANCE APPROVED

Resolution by: Gardner  
Seconded by: Kaner

WHEREAS this Board has received a request from the Director of Building Inspections and Code Enforcement for Chuck Coons and Eric Corey to attend a one-day training and business meeting for the Southern Tier Building Officials Association (STBOA) on June 8, 2005, and

WHEREAS this is a quarterly meeting of the regional association of code officials, and

WHEREAS the training will provide continuing education credits required by New York State to maintain certification for code enforcement officials, now

BE IT THEREFORE RESOLVED that Chuck Coons and Eric Corey are approved to attend the STBOA training on June 8, 2005 with the costs being paid from the appropriate accounts.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

RESOLUTION NO. 158-05  
PINE CREEK OUTFITTERS, INC. PREPAYMENT APPROVED

Resolution by: Balland  
Seconded by: Frisbie

WHEREAS it has been determined that a prepayment to Pine Creek Outfitters, Inc. is required for the Rafting Trip scheduled for May 15, 2005, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to complete a prepayment to Pine Creek Outfitters, Inc. for an amount of Five Hundred Dollars (\$500.00) for the purpose of a Rafting Trip scheduled for May 15, 2005

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

OLD BUSINESS

RESOLUTION NO. 159-05  
NEW PLOW TRUCK BID ADVERTISEMENT APPROVED

Resolution by: Frisbie  
Seconded by: Fairbrother

WHEREAS the Commissioner of Public Works in concurrence with the Highway Supervisor recognizes the need to update the Town fleet of plow trucks to maintain adequate reliability, and

WHEREAS bid specifications have been completed for purchasing a new plow truck, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to advertise the aforementioned bid specifications contingent on the review and approval of the bid specifications by the Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

RESOLUTION NO. 160-05  
CHECKS INCORRECTLY CODED VOID AUTHORIZED

Resolution by: Fairbrother  
Seconded by: Gardner

WHEREAS it has been determined that the April 2005 Abstract of Audited Vouchers contained incorrect vendor coding, and

WHEREAS said checks need to be voided and vouchers resubmitted for the May 2005 Abstract of Audited Vouchers, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void the following checks:

Check #2333	04/29/2005	CC Soil & Water Conservation district	\$409.85
Check #2390	04/29/2005	Nova Solutions	\$165.35

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

CORRESPONDENCE

Williams Drainage Concern Update. A memo was received from Bill Haner, dated May 5, 2005, reporting that he had visited the site of the Williams' property located on Curren Road and determined that there is a steep hill located immediate north of the structure; however, the problem does not affect a Town road. Since the Williams' cannot afford to fix the problem, Mr. Haner suggested that individuals and/or an organization may desire to adopt this project.

Road Condition – Steege Hill Road/G. Gillette. A letter was received from Gordon Gillette expressing the ditches along Steege Hill Road are in terrible condition and the road is detrimental to property values along Steege Hill Road.

General Revenue Corporation PILOT/CCIDA. A memo was received from George Miner of Chemung County Industrial Development Agency, dated April 29, 2005, informing the Town that a meeting has been scheduled for May 13, 2005 to discuss the General Revenue Corporation project and to consider payment in lieu of taxes.

Notice of Mining Permit/NYS DEC. A letter was received from the New York State Department of Environmental Conservation, dated April 21, 2005, notifying the Town that a Notice of Complete Application for a mining expansion has been received from the Elmira-Corning Regional Airport.

## MINUTES OF TOWN BOARD MEETING OF MAY 11, 2005

Disaster Preparedness/Chemung Valley Montessori School. A letter was received from George Conway, Head of School for Chemung Valley Montessori, dated May 2, 2005, requesting that the School be permitted to transfer staff and students to the Community Center in the event that an evacuation of the school is required.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session at 5:41 p.m. to discuss potential acquisition of property. All in favor, motion carried.

Supervisor Balland reconvened the meeting at 6:12 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to adjourn the Town Board meeting at 6:12 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF MAY 25, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Duane Gardner  
                              Dean Frisbie  
                              Leonard Kaner  
                              Edward Fairbrother  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

Supervisor Balland called the Town Board Meeting to order at 7:02 p.m. and requested participation in the Pledge of Allegiance.

PUBLIC HEARING:           7:01 P.M.       Yearick Special Use Permit Request

Attorney Reed called the Public Hearing to order at 7:02 p.m. and read the legal notice published in the Elmira Star Gazette on May 16, 2005, to allow and consider public comments concerning the proposed Special Use Permit by Donald Yearick and/or his lesser to operate a vehicle repair shop at 334 Sing Sing Road.

IN FAVOR:           Don Yearick, owner of 334 Sing Sing Road, stated that he was aware the Town Board may have some reservations granting a Special Use Permit due to the past tenants; however, they do not represent him or the property and hopes that the past may be put behind them.

OPPOSITION:       May Ann Balland, 24 Cayuga Drive, stated that during the previous tenants use of the facility numerous complaints were generated with regards to the outside storage of material, unlicensed vehicles and vehicles racing down the road.

Ed Fairbrother, 53 Park Terrace, as a representative of the neighborhood, stated the past tenant did generate complaints and with this type of repair there will be outside storage of vehicles. Again, vehicles left outside and excess trash is a concern with the proposed use.

COMMENTS:       Dean Frisbie, 51 Cayuga Drive, pointed out that a new complex across the street has 2-3 truck terminals facing Sing Sing Road that may be left there during the day and possibly staying overnight.

Since there were no further comments, the Public Hearing was closed at 7:08 p.m.

Supervisor Balland reported there would be no action taken on the proposed Yearick Special Use Permit Request.

### MINUTES

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of April 27, 2005 as presented. All in favor, except Councilperson Fairbrother abstained. Motion carried.

## MINUTES OF TOWN BOARD MEETING OF MAY 25, 2005

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of May 11, 2005 as presented. All in favor, motion carried.

### CONCERNS OF THE PEOPLE

Councilperson Kaner expressed thanks to the Town personnel who prepared Miller Cemetery prior to the Echo Taps event.

### OLD BUSINESS

Sykora Property Report. A memo was received from Chuck Coons – Director of Building Inspection, dated May 25, 2005, informing the Town Board that nearly all of the OSB and clapboard has been removed from the house and the OSB reinstalled. The chimney and second floor porch on the north side have been removed and disposed of. The coal bin has been removed and the property has been maintained. Mr. Haverly has been working when he is available and Mike Yedinak has been onsite daily and is now staying in a tent on the premises. After a lengthy discussion the consensus of the Town Board was that Mr. Yedinak should not be living in a tent on the premises.

Yearick Special Use Permit Request. Tabled

### RESOLUTION NO. 161-05

#### WAGNER HARDWOODS, LLC PERFORMANCE BOND RELEASE APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS a timber harvesting application has been received from Chris Klee to permit Wagner Hardwoods, LLC to harvest approximately 39,400 board feet of timber from 102.5 acres of their land, Tax Parcels 77.00-1-33, and

WHEREAS the Town Board duly approved said request by adopting Resolution No. 184-04, and

WHEREAS said Timber Harvesting has been completed and an inspection was performed by William Haner – Code Enforcement Officer for the Town of Big Flats, and

WHEREAS for environmental purposes this is a Type II action in accordance with SEQRA,

BE IT THEREFORE RESOLVED the Town Board authorizes the release of the performance bond in the amount of Two Thousand One Hundred Dollars (\$2,100.00) to Wagner Hardwoods, LLC.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 25, 2005

RESOLUTION NO. 162-05

GUTCHESS LUMBER COMPANY PERFORMANCE BOND RELEASE APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS a timber harvesting application has been received from Delores Wilcox to permit Gutches Lumber Company to harvest approximately 86,000 board feet of timber from 48 acres of their land, Tax Parcels 47.00-1-24.1, and

WHEREAS the Town Board duly approved said request by adopting Resolution No. 133-05, and

WHEREAS said Timber Harvesting has been completed and an inspection was performed by William Haner – Code Enforcement Officer for the Town of Big Flats, and

WHEREAS for environmental purposes this is a Type II action in accordance with SEQRA,

BE IT THEREFORE RESOLVED the Town Board authorizes the release of the performance bond in the amount of One Thousand Four Hundred Forty Dollars (\$1440.00) to Gutches Lumber Company.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

NEW BUSINESS

RESOLUTION NO. 163-05

AMERICAN FIREWORKS MANUFACTURING FIREWORKS PERMIT APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS Big Flats Community Day, Inc. will be holding their annual Community Days Festival June 16 through 18, 2005, and

WHEREAS Big Flats Community Day, Inc. has contracted with American Fireworks Manufacturing Co. Inc. to conduct a fireworks display on June 17, 2005 with a rain date of June 18, 2005, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF MAY 25, 2005

RESOLUTION NO. 163-05, AMERICAN FIREWORKS MANUFACTURING FIREWORKS PERMIT APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney for the Town, permitting the fireworks display per the agreement between Big Flats Community Day, Inc. and American Fireworks Manufacturing Co., Inc. to be held on June 17, 2005 with a rain date of June 18, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 164-05  
BIG FLATS COMMUNITY DAY, INC. GAMES OF CHANCE LICENSE APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS an application for Games of Chance was received from Big Flats Community Day, Inc., dated May 25, 2005, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Application for Games of Chance License, dated May 25, 2005, from Big Flats Community Day, Inc. to perform games of chance events as outlined in the application, subject to a determination that designated members conducting games of chance are of good moral character.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 25, 2005

RESOLUTION NO. 165-05

2005 SUMMER T.A.F.F.Y. EMPLOYEES APPOINTMENT APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

WHEREAS the Big Flats Youth Commission will be hosting the Summer TAFFY Program June 27 - August 5, 2005, and

WHEREAS the Youth Commission conducted interviews and necessary background checks and recommends the Town Board appoint the employees as outlined in a memo dated May 19, 2005, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following Summer TAFFY employees:

Alyssa Case	420 Tifft Ave., HH	\$6.75
Autumn Chevalier	200 Scenic Drive, HH	\$7.00
Christopher Drake	28 Green Valley Drive, Big Flats	\$7.00
Danielle Edwards	3 Hayes Drive, HH	\$6.75
Melissa Evans	9 Groff Road, HH	\$6.75
Jessica Frisbee	51 Cayuga Drive, HH	\$7.00
Megan Hart	203 Breed Hollow Road, HH	\$6.75
Elizabeth Hartigan	27 Post Street, BF	\$6.15 Intern
Alyssa Hoobler	279 Prospect Hill Road, HH	\$6.75
Timothy Hutten	57 Woodland Drive, BF	\$6.15 Intern
Stephanie Jarvis	47 Pine Circle, HH	\$8.00 Program Asst.
Mary Kennedy	11 Seneca Drive, HH	\$7.25
Amy Madison	172 Ridge Road, HH	\$7.00
Geoffrey Moshier	53 Groff Road, HH	\$6.75
Craig Mullen	20 Antler Road, Big Flats	\$6.75
Michael Mullen	20 Antler Road, Big Flats	\$6.75
Erin Rourke	11 Algonquin Drive, HH	\$7.25
Melinda Savino	17 Cardinal Road, HH	\$7.00
Sean Shoemaker	76 Brown Road, HH	\$6.15 Intern
Chad Sozanski	810 Harris Hill Road, Elmira	\$6.15 Intern
Corrin Thompson	11 Forrest Drive, HH	\$7.50 Rover
Elizabeth Vinish	178 Breed Hollow Road, HH	\$6.15 Intern
Kathleen VonBevern	51 Glendale Drive, HH	\$6.75
Eric White	45 Woodland Way, HH	\$6.15 Intern
Desiree Winnett	2881 County Line Drive, Big Flats	\$6.75

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland

NAYS: None

ABSTAIN: Frisbie

MINUTES OF TOWN BOARD MEETING OF MAY 25, 2005

RESOLUTION NO. 166-05  
FULL-TIME DEPUTY TOWN CLERK APPOINTMENT APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the full-time Deputy Town Clerk had resigned effective April 22, 2005, and

WHEREAS there is a recognizable need for a clerical and accounting position in the office of the Town Clerk, and

WHEREAS said position was duly advertised in the Corning Leader April 14 – 20, 2005 and 18 application were received, and

WHEREAS interviews were conducted by the Town Clerk and the Chairperson of Personnel Committee, and

WHEREAS, the administration and management of Town personnel is a Type II action for the purposes of SEQRA and as such no further action is necessary regarding the same;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, as recommended by the Town Clerk, hires Sheree C. McGannon, 588 W. High Street, Painted Post for the position of Deputy Town Clerk as a probationary appointment for 26 weeks to said position consistent with Civil Service Law and subject to a satisfactory completion of a duly authorized background Security check, and

FURTHER RESOLVED that Ms. McGannon shall be paid \$20,500.00 per year, effective May 31, 2005 for purposes of qualifying for the Town's Health Insurance Benefits and June 6, 2005 for all other purposes, including full Town Benefits, and be entitled to the benefits of and subject to the terms and conditions of the Town Employee Handbook, as amended, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate Report of Personnel Change and Extended Payroll Certificate ("RPC") for this hiring.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



MINUTES OF TOWN BOARD MEETING OF MAY 25, 2005

RESOLUTION NO. 167-05  
TOWN OF BIG FLATS ORGANIZATIONAL CHART APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Personnel Committee has determined and recommended an update to the Town of Big Flats Organizational Chart, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, effective immediately, accepts and approves the Organizational Chart submitted and dated May 25, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 168-05  
SPECIAL PUBLIC MEETING FOR JUNE 8, 2005 AT 6:00 P.M. APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Commissioner of the Department of Public Works and Water Supervisor had investigated the potential of extending public water to the Glendale / Barnes Hill subdivision area, and

WHEREAS it has been determined that estimated cost are available, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board set a Special Public Informational Meeting to discuss the extension of public water to the Glendale / Barnes Hill subdivision area for June 8, 2005 at 6:00 p.m. at the Big Flats Community Center.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 25, 2005

RESOLUTION NO. 169-05  
BUDGET MODIFICATION APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS the Town is in receipt of a 2005 “65/35” reimbursement from Chemung County for Youth Preventative Services in the amount of Fifty One Thousand One Hundred Seventy Nine Dollars (\$51,179), and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following 2005 General Fund Budget Modification:

Increase Estimated Revenues A0510	\$51,179		
Increase Youth Recreation Services, Other Government		A2350	\$51,179
Increase Estimated Appropriation	A0960	\$51,179	
Increase Library	A7410.0400	\$51,179	

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 170-05  
BUDGET TRANSFER APPROVED

Resolution by: Fairbrother  
Seconded by: Gardner

WHEREAS it has been determined that a budget transfer is necessary to cover the cost of the copier lease in the Department of Public Works, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following 2005 General Fund Budget Transfer:

FROM:	Contingency	A1990.0400	\$2,300.00	
TO:	Public Works Administration	A1490.0400	\$2,300.00	

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF MAY 25, 2005

RESOLUTION NO.171-05  
ABSTRACT OF AUDITED VOUCHERS FOR MAY 2005 APPROVED

Resolution by: Fairbrother

Seconded by: Gardner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for May 2005, vouchers 2920 – 3043, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$130,801.17
HIGHWAY FUND	\$ 49,588.38
CAPITAL PROJECT #6	\$ 10,152.16
WATER DISTRICT #1	\$ 4,685.99
WATER DISTRICT #2	\$ 4,408.79
WATER DISTRICT #3	\$ 1,305.95
WATER DISTRICT #4	\$ 294.98
LIGHTING DISTRICT	\$ 686.36
TRUST & AGENCY	\$ 1,249.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

CORRESPONDENCE

Liquor License Notice / Chili's. A letter was received from Leonard M. Fogelman, Attorney for Brinker Restaurant Corp., dated May 5, 2005, informing the Town that the d/b/a Chili's and are in the process of applying for an on-premise liquor license.

Opportunities for the Town / Laberge Group. A letter was received from Laberge Group, dated May 10, 2005, informing the Town of grant programs that are available as a funding source.

Supervisor Balland reported the following:

- Shared service meeting was cancelled and at the next meeting a discussion will take place regarding snow plow routes;
- A transfer to the Community Center budget is necessary to cover the expense of the instructors;
- A bill is being proposed regarding open burning being permitted for only yard waste; and
- The Town is waiting to hear about a request to receive money from Congressman Kuhl for a bridge constructed on the walking trail.

Attorney Reed reported that Attorney Scott Moore had contacted him regarding the request for annexation from the Town of Elmira.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the Town Board meeting at 7:55 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF MAY 31, 2005

PRESENT:           Supervisor    Mary Ann Balland  
                  Council        Duane Gardner  
                                  Leonard Kaner  
                  Clerk         Teresa Dean

ABSENT:           Council        Edward Fairbrother  
                                  Dean Frisbie  
                  Attorney     Thomas Reed

Supervisor Balland called the Town Board Meeting to order at 4:30 p.m.

RESOLUTION NO. 172-05  
WESTWIND ROAD PAVING APPROVED

Resolution by: Gardner

Seconded by: Kaner

WHEREAS the Department of Public Works is in the process of paving Park Terrace Subdivision and after further review the Commissioner of Public Works and the Highway Supervisor recommend road pavement be completed on Westwind Road, and

WHEREAS the cost to pave Westwind Road is approximately \$21,000, and

WHEREAS the Commissioner of Public Works duly advertised and accepted bids on April 16, 2005 for the 2005 road pavement with Narde Paving being the successful bidder, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the pavement of Westwind Road at a cost of approximately \$21,000.

CARRIED:    AYES: Gardner, Kaner, Balland

NAYS: None

ABSENT: Fairbrother, Frisbie

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to adjourn the Town Board meeting at 4:32 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF SPECIAL TOWN BOARD MEETING OF JUNE 8, 2005

PRESENT:	Supervisor	Mary Ann Balland
	Council	Edward Fairbrother
		Duane Gardner
		Leonard Kaner
ABSENT:	Attorney	Thomas Reed
	Council	Dean Frisbie
	Clerk	Teresa Dean

Supervisor Balland called the Special Town Board Meeting to order at 6:00 p.m.

**PRESENTATION: PROPOSED WATER DISTRICT EXTENSION** – Larry Wagner, Commissioner of the Department of Public Works

Commissioner Wagner explained that residents had expressed interest in having water extended to a portion of parcels along Sing Sing Road, Barnes Hill, Larchmont, Glendale, Alpine, Woodland and Forrest Drive area. Therefore, this meeting was designed to provide the residents with the process of a district extension and information to understand the cost associated with an extension. The Town Board is not pushing the proposed extension on the residents. Mr. Wagner reiterated that the Board is here to provide the information needed to complete the process.

Hunt Engineers has been retained to provide a preliminary analysis of the infrastructure requirements. Also included would be the estimated cost of the infrastructure and resident connections. It has been determined that there are 98 parcels; 17 fire hydrants, 8" and 12" main piping are involved in the project. The cost summary of the infrastructure, such as the mains and valves, is an estimated cost of \$961,173. This figure equates to approximately \$544.00 per household per year for 38 years at 4.5% interest rate. The annual assessment for the district would be \$63 plus individual household water usage. There is a one time cost to the residents for the initial connection to the water main that is estimated to be approximately \$1,745.00.

If the residents of this area choose to pursue this proposal the following steps need to be accomplished: (1) establish a representative(s); (2) a letter to the Town Board requesting expenditure for a Map, Plan and Report is necessary; and (3) preparation and filing of a petition. An overview of the legal process was outlined showing the residents a petition must be completed and filed with the Town Board, the type of contents needed in said petition, and the post filing actions.

Lindsay Brown, representative for Chemung County Health Department, explained that a grant was received to conduct water testing for this location and approximately one out of three of the test showed bacteria. As a result of the bacteria further tests were conducted for E. Coli. and 13% of the houses showed E. Coli. Samples are being taken through the Chemung County Health Department. Mr. Brown briefly explained the sampling process and highly recommended that samples be conducted.

Since there were no further comments, the special meeting was adjourned.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF JUNE 22, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Duane Gardner  
                                  Leonard Kaner  
                                  Edward Fairbrother  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

ABSENT:           Council       Dean Frisbie

Supervisor Balland called the Town Board Meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

### REPORTS.

Supervisor Balland provided the following reports:

- Shared Services Task Force is reviewing the option of centralized tax collection and the Town Clerk attended a meeting to discuss this option further. The Town Clerk reported that a meeting was held with the County Treasurer and representatives of Chemung Canal Trust Company and it appears this proposal is moving forward with disregard to Tax Collectors concerns and objections;
- RAMS and the County Legislature will hold a joint meeting to discuss the increase for college charge-backs;
- A Community Days float has been parked at the Town Hall and a request will be made to the Chairman of Community Days to determine when the float will be moved;
- June 25, 2005 (Saturday) a memorial service is being held for Mary Whitney Barnes. Ms. Barnes is the property owner who donated Whitney Park to the Town of Big Flats;
- A meeting was held with NYS Department of Transportation, including representatives from Chemung County and the Town of Big Flats to discuss the intersection of NYS Route 352 and County Route 64;
- The Commissioner of Public Works attended a meeting regarding plans for the Airport. Larry Wagner, Commissioner of Public Works, stated that by the end of July the Sing Sing Road / Airport Road Interchange will be completed. This will affect Sing Sing Road, Kahler Road, and Daniel Zenker Drive. The next meeting is scheduled for July 6, 2005;
- The Town Center Committee met to discuss the proposed zoning changes to the Hamlet and Councilperson Kaner added that it is their intent to have a proposed zoning amendment to the Town Board at the July 21, 2005 meeting;
- A meeting will be held on June 24, 2005 with NYS Department of Environmental Conservation to discuss the Roy Gravel mining application; and
- July 1, 2005 a meeting will be held with Town and Country Fire Department to discuss the Fire Protection District contract renewal.

## MINUTES OF TOWN BOARD MEETING OF JUNE 22, 2005

### MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of May 25, 2005 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of June 8, 2005 as presented. All in favor, except Councilperson Frisbie was absent. Motion carried.

Supervisor Balland stated a letter has been received from Michael Hastrich, Executive Director of the Cornell Cooperative Extension, dated June 20, 2005, asking if the Town of Big Flats would be the lead sponsor for the Local Waterfront Revitalization program. Since the grant application must be submitted no later than June 30, 2005, Supervisor Balland asked the Town Board to provide her with any comments and/or concerns by Friday, June 24, 2005.

### CONCERNS OF THE PEOPLE

Gordon Gillette, 644 Steege Hill Road, stated he resides approximately 6/10<sup>th</sup> of a mile up Steege Hill Road and the road is very dangerous. Specific areas of concern are the sides of the road, width of the road and the flooding that occurs two to three times a year which washes large rocks into the road. At times the roads are impassible, driveways are undermined, pipes along the roadside have been uplifted, and the pattern of the water runoff. Supervisor Balland recommended a special meeting be set to discuss the concerns with the residents regarding Steege Hill Road.

Steve Teets, 10 Farr Lane, stated that the traffic on County Route 64 has increased significantly and asked what the Town intends to do about the traffic. Supervisor Balland explained that this is a County road and the Town has no authority to make any changes. However, Supervisor Balland stated that at the next meeting with NYS Department of Transportation and Chemung County to discuss NYS Route 352 and Main Street a discussion should be held to discuss the traffic on County Route 64.

Mike Nicolo, 458 Sing Sing Road, stated that the Big Flats American Legion has indicated that if Community Day, Inc. purchased the flags and the Town installs the flags on the poles along Maple, Canal and Main Streets, the Legion would maintain the flags. Supervisor Balland stated the Town Board would review the proposal and provide a report at the next Town Board meeting.

### OLD BUSINESS

MINUTES OF TOWN BOARD MEETING OF JUNE 22, 2005

RESOLUTION NO. 185-05  
MODIFICATION AGREEMENT DENIED AND ORDERING THE DEMOLITION OF  
THE UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 78 HAMMOND  
STREET APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the Town Board had entered into an agreement on or about March 9, 2005, with Susan Grace Sykora concerning the property located at 78 Hammond Street, Tax Parcel # 66.04-2-19, and its repair or demolition pursuant to Chapter 15.16 of the Town Municipal Code, and

WHEREAS Susan Sykora has requested the construction schedule detailing the necessary repairs to said property be modified to accommodate the delays and defaults in keeping with said construction schedule, and

WHEREAS the Director of Building Inspections and Code Enforcement, by way of memo dated June 17, 2005, has confirmed Susan Sykora has defaulted under the agreement with the Town concerning said property, and

WHEREAS this is a Type II administrative action under SEQRA 6NYCRR, Part 617.5 and thus no environmental review is required, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes and directs the Director of Building Inspections and Code Enforcement to proceed with the demolition of the subject property as set forth under paragraph 2 of the March 9, 2005 agreement with Susan Sykora regarding said property.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 186-05  
SNOW GUARDS CHANGE ORDER FOR THE COMMUNITY CENTER AND DPW  
BUILDINGS APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS it is recommended by Teitsch-Kent-Fay Architects to approve the change order to install Snow Guards on the Community Center and DPW buildings, and

WHEREAS a change order for said changes has been submitted by Welliver McGuire, Inc., and



MINUTES OF TOWN BOARD MEETING OF JUNE 22, 2005

RESOLUTION NO. 186-05, SNOW GUARDS CHANGE ORDER continued

WHEREAS the change order for labor and material for said change is not to exceed \$15,477.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the change order with Welliver McGuire, Inc. not to exceed \$15,477.00 to install Snow Guards on the Community Center and DPW Buildings.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 187-05

NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION GRANT  
APPLICATION FOR WHITNEY PARK DEVELOPMENT PROJECT APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS the Town of Big Flats is desirous of submitting an application for grant funds for the development of the Town's Whitney Park property in the amount not to exceed \$128,000.00 from the NYS Office of Parks, Recreation and Historic Preservation, under the Environmental Protection Fund for up to 50% of the project's cost, and

WHEREAS the Town of Big Flats Draft Comprehensive Plan to be adopted in Summer 2005 illustrates the need and public support for additional park development, and

WHEREAS 50% or more of the total cost of the project is the responsibility of the Town, and

WHEREAS the project cost is not to exceed \$256,000.00, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF JUNE 22, 2005

RESOLUTION NO. 187-05, NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION GRANT APPLICATION continued

BE IT THEREFORE RESOLVED the Town Supervisor is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$128,000.00 and upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance and if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and

FURTHER RESOLVED that the Town of Big Flats does hereby commit the funds to be raised from in-kind land and non-cash donations of labor, materials, equipment, Town force account and general revenues of the Town for park development purposes.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 188-05  
ASSESSOR TO SIGN THE LAMBERT / COYKENDALL / BICKFORD  
SETTLEMENT AGREEMENT AND MUTUAL RELEASE APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS a litigation by services of a Summons and Complaint duly filed in the office of the Chemung County Clerk on December 3, 2004 was filed seeking the declaration of an easement of necessity over the land of Carter and Kimberly Coykendall and John and Carol Bickford referencing over the ownership of a parcel of land designated of Tax Parcel 56.00-1-87, and

WHEREAS a counterclaim was filed, which commenced a third party action against the County of Chemung, the Assessor of the Town of Big Flats, Richard and Marjorie Gaylord, and Timothy and Louise O'Connor seeking a declaration of the rights and obligations of the parties, and

WHEREAS the Assessor of the Town of Big Flats is a necessary party to such action as said office is responsible in part for the tax records for parcel within the Town, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF JUNE 22, 2005

RESOLUTION NO. 188-05, ASSESSOR TO SIGN SETTLEMENT AGREEMENT  
AND MUTUAL RELEASE APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Assessor to sign the Settlement Agreement and Mutual Release and amend the assessment roll in accordance there with regarding Tax Parcel 56.00-1-87.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: None ABSENT: Frisbie

RESOLUTION NO. 189-05  
BACKYARD BROADCASTING FIREWORKS DISPLAY APPROVED

Resolution by:  
Seconded by:

WHEREAS Backyard Broadcasting has contracted with Young Explosives to conduct a fireworks display at the Elmira Corning Regional Airport on July 2, 2005 with a rain date of July 3, 2005, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney for the Town, permitting the fireworks display sponsored by Backyard Broadcasting at the Elmira Corning Regional Airport to be held on July 2, 2005 with a rain date of July 3, 2005.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: None ABSENT: Frisbie

MINUTES OF TOWN BOARD MEETING OF JUNE 22, 2005

RESOLUTION NO. 190-05  
ABSTRACT OF AUDITED VOUCHERS FOR JUNE 2005 APPROVED

Resolution by: Fairbrother

Seconded by: Gardner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for June 2005, vouchers 3044 – 3147, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 55,649.16
HIGHWAY FUND	\$120,430.34
WATER DISTRICT #1	\$ 4,049.43
WATER DISTRICT #2	\$ 4,014.82
WATER DISTRICT #3	\$ 1,024.66
WATER DISTRICT #4	\$ 538.66
LIGHTING DISTRICT	\$ 695.93
TRUST & AGENCY	\$ 9,589.00

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: None ABSENT: Frisbie

CORRESPONDENCE

Tentative Equalization Rate/NYSORPS. A notice was received from the State Board of Real Property Services informing the Town Board that the tentative equalization rate for the 2005 assessment roll is 100%.

Halderman Hollow Road Speed Limit Request/NYSDOT. A letter was received from New York State Department of Transportation, dated June 2, 2005, informing the Town Board an investigation has been conducted on Halderman Hollow Road and it has been determined that the appropriate speed limit is 40 MPH.

Lew Storch Road Condition/R. McMaster. A letter was received from Roy McMaster, residing at 265 Lew Storch Road, dated June 11, 2005, indicating that Lew Storch Road is a dirt road; however, after the June 10, 2005 rain storm it is now a washed out stream bed and requested the road be repaired.

Net Request Proposal/B. Lane. A letter was received from Brad Lane, dated May 26, 2005, requesting authorization to replace the current stockade fence with paintball regulation approved twelve foot high netting and lengthen the field by fifty feet. The consensus of the Town Board was that the request be denied.

Price Increase/LexisNexis. A letter was received from LexisNexis, dated June 10, 2005, informing the Town Board that effective July 1, 2005 the supplement prices for the Town Municipal Code will increase by 5%.

MINUTES OF TOWN BOARD MEETING OF JUNE 22, 2005

Liquor License Renewal/American Legion. A notice was received from Ralph Franchi, Secretary of Skinner-Ernest Post 1612, dated June 15, 2005, informing the Town Board of their intent to renew their liquor license.

RESOLUTION NO. 191-05  
SPECIAL MEETING FOR JULY 7, 2005 APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE that the Town Board set a Special Meeting for July 7, 2005 at 7:00 p.m. for the purposes of discussing concerns regarding Steege Hill Road.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: None ABSENT: Frisbie

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session at 7:55 p.m. to discuss a potential disciplinary action of a particular person. All in favor, except Councilperson Frisbie was absent. Motion carried.

Supervisor Balland reconvened the Town Board meeting at 8:40 p.m. and made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 8:40 p.m. All in favor, except Councilperson Frisbie was absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF JUNE 29, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                                  Duane Gardner  
                                  Leonard Kaner  
                                  Dean Frisbie  
                  Attorney     Thomas Reed  
                  Clerk       Teresa Dean

Supervisor Balland called the Special Town Board Meeting to order at 4:30 p.m.

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to enter into Executive Session at 4:31 p.m. to discuss negotiation proposals for the upcoming Department of Public Works union contract renewal. All in favor, motion carried.

Supervisor Balland reconvened the meeting at 6:00 p.m.

Since there were no further comments, Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the special meeting at 6:00 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF SPECIAL TOWN BOARD MEETING OF JULY 7, 2005

PRESENT:           Supervisor    Mary Ann Balland  
                  Council       Edward Fairbrother  
                                  Duane Gardner  
                                  Leonard Kaner  
                                  Dean Frisbie  
                  Clerk        Teresa Dean

ABSENT:           Attorney     Thomas Reed

Supervisor Balland called the Special Town Board Meeting to order at 7:00 p.m. and thanked those present for attending the meeting. She stated that there has been some positive work on Steege Hill Road; however, more work was required. For those properties along Steege Hill Road the property tax payments to the Town of Big Flats were \$15,842.00; however, the Town has invested at least twenty times that in road maintenance. During the last rainstorm it appeared that the ditch work was operating properly.

Gordon Gillette, 644 Steege Hill Road, stated that he has lived at this location for 6 years and during this time he had become concerned with the drainage. The road has been paved; however, Mr. Gillette felt the drainage issues might not have been addressed. His concern is due to the large amount of water coming off the hill and side ditches that appear to be dangerous. During a storm large volumes of debris and rocks are washing into the road, which makes some sections of the road impassible. Supervisor Balland stated that the intent is to repair the road to what is similar to Harris Hill Road drainage ditches. Mr. Gillette reiterated that he wanted the Town to fix the road properly and if it required an engineering review, that the Town consider hiring an engineer firm.

Mark McMillan, 645 Steege Hill Road, stated that a diversion ditch that was cut off Steege Hill Road goes into the property adjacent to his and travels through the woods and into his house. The house was purchased in 1999 and since that time he has holes in his house from the water draining from this ditch. Supervisor Balland asked if Town personnel could enter his property to review his concern. Mr. McMillan agreed to permit the Town on his property and stated that his father-in-law owned the property adjacent to his.

Pat Fogle, 673 Steege Hill Road, stated that for a few weeks prior to the June 16, 2005 storm she had made telephone calls to the Town requesting that the clogged sluice pipe under their driveway be cleaned; however, no telephone calls were returned. Supervisor Balland stated that the Highway Supervisor would double check the sluice pipe to determine if it is of adequate size. Furthermore, the Town is in the process of obtaining additional equipment to use when cleaning sluice pipes. Mrs. Fogle stated that she is concerned with emergency vehicles accessing her property due to the condition of the entrance to her driveway. Supervisor Balland explained that the Town would contact property owners to see if tress, when required, can be removed from the ditch areas so the ditches can be properly constructed and maintained. Therefore, if one property owner declines to permit the ditch maintenance, it will affect the remainder of the ditching and roadway.

## MINUTES OF SPECIAL TOWN BOARD MEETING OF JULY 7, 2005

Hope Corneau, 582 Steege Hill Road, stated that after the June 1988 flooding when the water washed out a portion of the road, it was never fixed. Supervisor Balland reiterated that the ditches needed to be widened and trees removed.

Ruth Bernd, 689 Steege Hill Road, stated that she has lived on this road for over 20 years and never experienced a problem until recently. It appears that something has changed. Last September Mrs. Bernd indicated that she called to have her sluice pipe cleaned and she received no replies from the Town. BJ Rierson, daughter of Ms. Bernd, briefly described the flow of the water and her concern with the roadway slanting toward the property located at 689 Stegge Hill Road.

Bertha Hogan, 683 Steege Hill Road, stated that she has resided at this house since 1969 and felt that something has changed due to the fact that recently it appears that the water is now running on the opposite side of the road. Ms. Hogan asked what the plans were for the right hand of Steege Hill Road.

Don Gaylord, Highway Supervisor, briefly explained that numerous trees and brush needed to be cleared out from the ditch area, the ditches needed to be reshaped, fabric placed in the ditch area to eliminate the erosion, place gabion rock in the ditches over the fabric and pour concrete to stabilize the gabion rock. Larry Wagner, Commissioner of Public Works, added that the ditches needed to be relocated back from the road to make a shoulder.

Cindy Maus, 614 Stegge Hill Road, stated that above her driveway there are two pipes and almost immediately the pipes back up and water goes down her driveway and into the neighbors property.

Ron Fogle, 673 Stegge Hill Road, stated that during the last storm the water could not come through the sluice pipe; therefore, it came across his property and driveway. At the present time he has a drop off at his driveway. Mr. Fogle welcomed the Town to remove trees and asked who was responsible for the maintenance of the driveway repairs. Highway Supervisor Gaylord stated he would look at the driveway.

BJ Rierson, 689 Steege Hill Road, stated that she grew up at this address and the water did not come down that portion of Steege Hill Road; therefore, it appears that something has changed the flow of water. Highway Supervisor Gaylord stated that the Town, since his employment has not made changes to affect the water runoff and guessed that it might be a result of development. Ms. Rierson suggested that the source of the issue might be the crowning of the road and the lack of banking and ditches. During the last storm, Ms. Rierson explained she walked down the road and looked at the storm drains and questioned if the pipes were of adequate size.

Colleen Hess, 234 Steege Hill Road, asked if something could be done with the speed limit for the road? Supervisor Balland stated that if this is a concern of the residents, an investigation of the speed limit designation could be requested.



## MINUTES OF SPECIAL TOWN BOARD MEETING OF JULY 7, 2005

Supervisor Balland explained that she, along with Larry, Don and Mark Watts of Chemung County Soil and Water Conservation District would meet to discuss the drainage concerns. She also suggested another meeting be held in October.

Councilperson Frisbie added that he had been on Steege Hill Road and reassured everyone that during emergency situations, the rescue crews and departments have access to vehicles that would be used, if necessary, to reach those properties that required responses. He also reiterated that Town personnel would respond to these concerns as soon as possible.

Mr. Gillette thanked the Town Supervisor and Board for listening to their concerns.

Councilperson Fairbrother made a motion, seconded by Supervisor Balland, to enter into Executive Session at 8:10 p.m. to discuss a particular personnel matter. All in favor, motion carried.

Supervisor Balland reconvened the Town Board meeting at 9:23 p.m. Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the Special Town Board meeting at 9:23 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF JULY 13, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                                Duane Gardner  
                                Dean Frisbie  
                                Leonard Kaner  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

Supervisor Balland called the Town Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance.

### REPORTS.

Supervisor Balland provided the following reports:

- Marc Chevalier has volunteered to provide a power point presentation regarding the library;
- Zoning Board of Appeals will met on Monday, July 18, 2005;
- August 16, 2005 at 8:00 a.m. a basic first aid training is being held for all Town personnel;
- July 21, 2005 a meeting will be held with LaBerge Group to set goals for the Town Comprehensive Plan;
- Timeline for the 2006 budget process was distributed;
- Supervisor Lapple of the Town of Elmira would like to meet with representatives of the Town Board to discuss annexation of property; and
- A meeting was held with residents of Steege Hill Road and a follow-up meeting will be held in October.

The following reports for June 2005 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance; SPCA and Dog Licensing Monthly Report; Assessor's Monthly Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report; Community Center Monthly Report; Department of Public Works Monthly Report; Youth Commission Minutes; and Parks Commission Minutes.

CONCERNS OF THE PEOPLE. None

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF JULY 13, 2005

RESOLUTION NO. 192-05  
CUSTODIAN FOR THE COMMUNITY CENTER RESIGNATION ACCEPTED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS a letter was received from William Fasick submitting his resignation as Custodian for the Community Center effective July 11, 2005, and

WHEREAS for environmental review, this is an administrative act, a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation from William Fasick as a Part-time Custodian.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 193-05  
SUBSTITUTE CUSTODIAN APPOINTMENT APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

RESOLVE the Town Board authorizes the Director of Recreation to hire William Fasick as a Substitute Custodian at a rate of \$7.75 per hour.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

OLD BUSINESS

MINUTES OF TOWN BOARD MEETING OF JULY 13, 2005

RESOLUTION NO. 194-05  
AGREEMENT MODIFICATION REGARDING 78 HAMMOND STREET APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the Town Board has entered into an agreement on or about March 9, 2005, with Susan Grace Sykora concerning the property located at 78 Hammond Street, Tax Parcel #66.04-2-19, and its repair or demolition pursuant to Chapter 15.16 of the Town Municipal Code, and

WHEREAS the Town Board, at its June 22, 2005 meeting, ordered the demolition of the structures located on said property, pursuant to Resolution No. 185-05, and

WHEREAS Susan Sykora has submitted an amended construction schedule detailing the necessary repairs to said property, and requesting the Town Board accept the modified schedule to accommodate the delays and defaults in keeping with said construction schedule, and

WHEREAS the Town board hereby wishes to so accommodate Susan Sykora in order for the repairs to the property be made rather than engage in the property's demolition, and

WHEREAS this is a Type II administrative action under SEQRA 6NYCRR, Part 617.5 and thus no environmental review is required, now

BE IT THEREFORE RESOLVED the Town Board hereby rescinds the demolition order pursuant to Resolution No. 185-05, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to execute a proposed agreement modification with Susan Sykora concerning the March 9, 2005 agreement regarding 78 Hammond Street as detailed in Susan Sykora's modification received on July 6, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF JULY 13, 2005

RESOLUTION NO. 195-05  
SUPPORT AND SPONSOR GRANT SUBMISSION TO THE NEW YORK STATE  
ENVIRONMENTAL PROTECTION FUND FOR A LOCAL WATERFRONT  
REVITALIZATION PROGRAM APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS Cornell Cooperative Extension of Chemung County is submitting a grant application in the amount of \$10,000 to the New York State Environmental Protection Fund for a Local Waterfront Revitalization Program, and

WHEREAS the funds will support work to create an inter-municipal foundation of collaborative effort for a comprehensive river plan addressing community development, access, environmental issues and economic development opportunities, and

WHEREAS the outcome of the work will be (1) to convene and develop a productive working network among community, municipal and inter-municipal representatives with a common interest in environmentally responsible river development in Chemung County; (2) to build a clearinghouse/toolbox of data, community input, resources and information regarding priority issues and concerns; and (3) to prepare a countywide 2006-2007 Local Waterfront Revitalization Program proposal and New York Greenways Compact, and

WHEREAS Cornell Cooperative Extension will do the majority of the work with the grant requiring a 50/50 match that will be created from Cornell Extension and volunteer resources, and

WHEREAS communities involved include the Town of Elmira, Town of Southport, Town of Ashland, Town of Chemung and the City of Elmira, and

WHEREAS for environmental review this is an administrative act, a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board supports and sponsors the grant submission by Cornell Cooperative Extension of Chemung County to the New York State Environmental Protection Fund for a Local Waterfront Revitalization Program.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

CORRESPONDENCE

Meeting Minutes/RAMS. A copy of the Rural Association of Mayors and Supervisors (RAMS) meeting minutes of May 31, 2005 was received outlining the discussions of Time Warner Cable contracts, college chargebacks, court shared services, water consolidation, public landfill and the library district.

## MINUTES OF TOWN BOARD MEETING OF JULY 13, 2005

Vehicle Concerns/E. Eggleton. A letter was received from Elizabeth Eggleton, dated June 21, 2005, regarding unregistered motor vehicles being sold on private property.

Daniel Zenker Drive Investigation/NYS DOT. A letter was received from Gary Funk, Regional Traffic Engineer for New York State Department of Transportation, dated June 13, 2005, informing the Town Board that the speed limit investigation for Daniel Zenker Drive has been completed and it has been determined that a speed reduction is not warranted.

Request to Amend/Fortuna Energy Inc. A letter was received from Fortuna Energy, Inc., dated June 27, 2005, informing the Town Board of their intentions to amend the Pine Hill Compressor Facility project.

Meeting Minutes/Elmira Chemung Transportation Council. A copy of the Planning Committee Meeting minutes was received for their meeting of April 21, 2005, along with an agenda for the July 21, 2005 meeting.

Gravel Pit Concerns/D. Kimble. A letter was received from Donald Kimble, 242 Leisure Lane, dated June 26, 2005, informing the Town Board of his objection to a gravel pit operation in his backyard.

Minimum Conditions – Property Maintenance. Supervisor Balland provided the Town Board with an excerpt of the Minimum Conditions regarding Property Maintenance Code of New York State.

Request for Surplus Property/M. and J. Thomas. A letter was received from Mike and Jackie Thomas, dated July 5, 2005 informing the Town Board they purchased property located at 194 Far Rockaway Road and further requesting the Town Board to consider selling a portion of the Palisades to them.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, at 4:52p.m. to enter into Executive Session to discuss a particular personnel matter. All in favor, motion carried.

Supervisor Balland reconvened the Town Board meeting at 5:30 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the Town Board meeting at 5:30 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF JULY 15, 2005

PRESENT:           Supervisor    Mary Ann Balland  
                  Council       Edward Fairbrother  
                                  Duane Gardner  
                  Attorney     Thomas Reed

ABSENT:           Council       Dean Frisbie  
                                  Leonard Kaner  
                  Clerk        Teresa Dean

Supervisor Balland called the Special Town Board Meeting to order at 4:30 p.m.

RESOLUTION NO. 196-05  
CUSTODIAN FOR THE COMMUNITY CENTER APPOINTMENT ACCEPTED

Resolution by: Gardner  
Seconded by: Balland

WHEREAS the Town Board accepted a resignation from William Fasick as Custodian for the Community Center effective July 11, 2005, and

WHEREAS the Director of Recreation has determined that an additional Custodian is necessary, and

WHEREAS for environmental review, this is an administrative act, a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board as recommended by the Director of Recreation hereby appoints Thomas Saunders as a Custodian at a rate of \$7.50 per hour.

CARRIED:   AYES: Gardner, Balland, Fairbrother  
                  NAYS: None                           ABSENT: Kaner, Frisbie

Since there was no further business to come before the Town Board, the Special Meeting was adjourned at 4:33 p.m.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD OF JULY 27, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Duane Gardner  
                                  Dean Frisbie  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

ABSENT:           Council       Edward Fairbrother  
                                  Leonard Kaner

Supervisor Balland called the Town Board Meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance. Supervisor Balland explained that Councilperson Fairbrother is out-of-Town on a business trip, Councilperson Kaner is not available and Councilperson Frisbie will be arriving momentarily.

### CONCERNS OF THE PEOPLE

Jane King, 15 Kelley Drive, pointed out there is a house for sale on Olcott Road South that is in horrible condition, including high grass. Supervisor Balland stated that she would inform the Code Enforcement Office of this situation.

### OLD BUSINESS

Sykora Property Report. A memo was received from Chuck Coons, Director of Building Inspection/Code Enforcement, dated July 27, 2005, reporting that the Sykora property, located at 78 Hammond Street, siding is near completion and it appears that they are significantly ahead of schedule.

### CORRESPONDENCE

Youth Commission Meeting Amendment. A memo was received from the Youth Commission, dated July 21, 2005, stating that the Youth Commission meeting for August has been changed to August 10, 2005 at 7:00 p.m.

Summer T.A.F.F.Y. Schedule. A schedule was received from the Youth Commission outlining the staff and park assignments for Summer T.A.F.F.Y.

Chemung County Winter Road Maintenance Report. A report was received from the Chemung County Shared Services Task Force, dated June 2005, outlining the Chemung County Winter Road Maintenance.

Tuition Increase/Legislator Graubard. A letter was received from Chemung County Legislator Sidney Graubard, dated July 13, 2005, stating his objection to the proposed increase to the proposed 2005-2006 budget for Corning Community College.

College Chargeback Increase/CC Legislature. A notice of a resolution was received from the Chemung County Legislature, dated July 11, 2005, authorizing the increase in Corning Community College capital chargebacks.



## MINUTES OF TOWN BOARD OF JULY 27, 2005

Steege Hill Road Concerns/Fogle. A letter was received from Ronald and Patricia Fogle, dated July 12, 2005, outlining safety concerns with the road, ditches, and lack of professional advice for Steege Hill Road.

NOTE: Councilperson Frisbie arrived at 7:10 p.m.

Proposed Development of Family Plot/Qadeer. A letter was received from Omar Qadeer, dated July 11, 2005, thanking Chuck Coons, Director of Building Inspection/Code Enforcement for the opportunity to discuss a proposed development plan for their parcel located along NYS Route 352.

Gravel Pit Concerns – Guinther, Matterazzo, Chrzanowski, O'Donnell. Letters were received from Gary and Patricia Guinther of 76 Belaire Drive; Bernard and Barbara Matterazzo of 80 Belaire Drive; Dr. Richard and Elaine Chrzanowski of 18 Garden Lane; and Jeff O'Donnell of 88 Belaire Drive, stating their objections to the Milton Roy gravel pit.

Supervisor Balland stated, at 7:17 p.m., with the appropriate number for a quorum the Town Board would commence with the business portion of the Town Board meeting.

### NEW BUSINESS

#### RESOLUTION NO. 197-05

#### ADDITIONAL EXPENDITURES FOR PAVEMENT AND/OR REPAIRS APPROVED

Resolution by: Balland

Seconded by: Frisbie

WHEREAS Owen Hollow, Halderman Hollow, and Park Terrace, were authorized for pavement in 2005 pursuant to Section 284 of Highway Law, and

WHEREAS additional authorization to pave Westwind Road was obtained through Resolution 172-05, and

WHEREAS for unforeseeable costs and unexpected expenses, the cost associated with said paving has been exceeded by \$63,656.23, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD OF JULY 27, 2005

RESOLUTION NO. 197-05, ADDITIONAL EXPENDITURES FOR PAVEMENT  
AND/OR REPAIRS APPROVED continued

NOW BE IT THEREFORE RESOLVED the additional funds are hereby authorized for  
the following roads:

Owen Hollow	\$26,925.12	2.5 miles
Halderman Hollow	\$16,755.07	1.5 miles
Park Terrace/Westwind	\$19,976.04	.81 miles

CARRIED: AYES: Gardner, Frisbie, Balland  
NAYS: None ABSENT: Fairbrother, Kaner

RESOLUTION NO. 198-05  
NATIONAL INCIDENT MANAGEMENT SYSTEM APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS, the President of the United States, in Homeland Security Directive HSPD-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been and will continue to be, vital to the effective implementation and utilization of a comprehensive NIMS, and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management, and

WHEREAS, HSPD-5 requires Federal departments and agencies to make adoption of the NIMS by State, tribal and local organizations a condition for Federal preparedness assistance beginning in the fiscal year 2005, and

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management and designated incident facilities during emergencies or disasters, and

MINUTES OF TOWN BOARD OF JULY 27, 2005

RESOLUTION NO. 198-05, NATIONAL INCIDENT MANAGEMENT SYSTEM  
APPROVED continued

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management training processes, and

WHEREAS, the Incident Command System components on NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs, and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of standardized Incident Command System,

NOW, THEREFORE BE IT RESOLVED, that the Town of Big Flats does hereby establish the National Incident Management System (NIMS) as the Town of Big Flats standard for incident management.

CARRIED: AYES: Gardner, Frisbie, Balland  
NAYS: None ABSENT: Fairbrother, Kaner

RESOLUTION NO. 199-05  
SPEED LIMIT INVESTIGATION FOR STEEGE HILL ROAD APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS Town residents have requested reduction of the speed limit on Steege Hill Road, and

WHEREAS the Town Board determines the speed limit investigation request to be adequate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation of Steege Hill Road.

CARRIED: AYES: Gardner, Frisbie, Balland  
NAYS: None ABSENT: Fairbrother, Kaner

MINUTES OF TOWN BOARD OF JULY 27, 2005

RESOLUTION NO. 200-05  
SPEED LIMIT INVESTIGATION FOR CHAMBERS ROAD BETWEEN SING SING  
ROAD TO THE TOWN BOUNDARY LINE APPROVED

Resolution by: Balland  
Seconded by: Gardner

WHEREAS due to increase residential development and Town residents requesting reduction of the speed limit on Chambers Road the Town Board determines a speed limit investigation request to be adequate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation of Chambers Road between its intersection with Sing Sing Road to the Town boundary line.

CARRIED: AYES: Gardner, Frisbie, Balland  
NAYS: None ABSENT: Fairbrother, Kaner

RESOLUTION NO. 201-05  
VOID CHECK #2618 APPROVED

Resolution by: Balland  
Seconded by: Frisbie

WHEREAS a voucher in the amount of \$184.00 payable to S&S Signs and Safety Equipment was coded incorrectly, and

WHEREAS check #2618 in the amount of \$184.00 was processed to pay Sign Inn, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void Check #2618 payable to Sign Inn and authorizes a payment to S&S Signs and Safety Equipment.

CARRIED: AYES: Gardner, Frisbie, Balland  
NAYS: None ABSENT: Fairbrother, Kaner

MINUTES OF TOWN BOARD OF JULY 27, 2005

RESOLUTION NO. 202-05  
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS the Commissioner of Public Works has determined a Budget Transfer is necessary for the Drainage Account, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following Budget Transfer:

FROM:	Contingency	A1990.0400	\$10,000.00
TO:	Drainage	A8540.0200	\$5,000.00
	Drainage	A8540.0400	\$5,000.00

CARRIED: AYES: Gardner, Frisbie, Balland  
NAYS: None ABSENT: Fairbrother, Kaner

RESOLUTION NO. 203-05  
WATER FUND BUDGET TRANSFER APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the Commissioner of Public Works has determined a Budget Transfer is necessary for Water District #1 and Water District #2, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following Budget Transfer:

FROM:	S&S Power & Pump	S18320.0400	\$6,000.00
TO:	Trans & Distrb	S18340.0400	\$6,000.00

And FROM:	S&S Power & Pump	S28320.0400	\$5,000.00
TO:	Trans & Distrb	S28340.0400	\$5,000.00

CARRIED: AYES: Gardner, Frisbie, Balland  
NAYS: None ABSENT: Fairbrother, Kaner

MINUTES OF TOWN BOARD OF JULY 27, 2005

RESOLUTION NO. 204-05  
HIGHWAY FUND BUDGET AMENDMENT IN THE AMOUNT OF \$85,000.00

Resolution by: Balland  
Seconded by: Gardner

WHEREAS the Commissioner of Public Works has determined a Budget Amendment is necessary for Highway Account, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following Budget Amendment:

FROM:	Fund Balance D909	\$85,000.00
TO:	Improvements D5112.0400	\$85,000.00

Increase D0599	Appropriated Fund Balance	\$85,000.00
Increase D0960	Appropriations	\$85,000.00

CARRIED: AYES: Gardner, Frisbie, Balland  
NAYS: None ABSENT: Fairbrother, Kaner

RESOLUTION NO. 205-05  
ABSTRACT OF AUDITED VOUCHERS FOR JULY 2005 APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for July 2005, vouchers 3148 – 3276, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$156,389.82
HIGHWAY FUND	\$380,506.36
WATER DISTRICT #1	\$ 6,658.58
WATER DISTRICT #2	\$ 6,359.89
WATER DISTRICT #3	\$ 2,027.17
WATER DISTRICT #4	\$ 269.55
LIGHTING DISTRICT	\$ 695.93
TRUST & AGENCY	\$ 7,685.14

CARRIED: AYES: Gardner, Frisbie, Balland  
NAYS: None ABSENT: Fairbrother, Kaner

Supervisor Balland distributed a proposed budget workshop calendar for the Board to review and provide comments prior to the next Town Board meeting.

## MINUTES OF TOWN BOARD OF JULY 27, 2005

### MINUTES.

Supervisor Balland made a motion, seconded by Councilperson Frisbie, to approve the minutes of May 31, 2005 as presented. All in favor, except Councilperson Fairbrother and Kaner were absent. Motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Frisbie, to approve the minutes of June 22, 2005 as presented. All in favor, except Councilperson Fairbrother and Kaner were absent. Motion carried.

Councilperson Frisbie made a motion, seconded by Councilperson Gardner, to approve the minutes of June 29, 2005 as presented. All in favor, except Councilperson Fairbrother and Kaner were absent. Motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Frisbie, to approve the minutes of July 7, 2005 as presented. All in favor, except Councilperson Fairbrother and Kaner were absent. Motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Frisbie, to approve the minutes of July 13, 2005 as presented. All in favor, except Councilperson Fairbrother and Kaner were absent. Motion carried.

Councilperson Gardner made a motion to approve the minutes of July 15, 2005 as presented, Councilperson Frisbie indicated that he was not present at the meeting; therefore, the approval of the minutes were tabled until the next Town Board meeting.

Councilperson Gardner made a motion, seconded by Supervisor Balland, to adjourn the Town Board meeting at 7:30 p.m. All in favor, except Councilperson Fairbrother and Kaner were absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF AUGUST 10, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                                Duane Gardner  
                                Leonard Kaner  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

ABSENT:           Council       Dean Frisbie

Supervisor Balland called the Town Board Meeting to order at 4:45 p.m. and requested participation in the Pledge of Allegiance.

### REPORTS.

Supervisor Balland provided the following reports:

- The Town Board will enter into Executive Session to discuss a pending contract and possible disciplinary action of a particular person;
- There are still discussions regarding tax collection consolidation;
- Supervisor Lapple of the Town of Elmira continues to request annexation of property;
- Zoning issues are being discussed with Laberge Group;
- The Town Board may wish to consider an alternate to the Zoning Board of Appeals;
- A tentative budget workshop schedule has been provided outlining meetings for the month of September;
- A meeting is scheduled for this month with Laberge Group.

### MINUTES

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to approve the minutes of July 15, 2005 as presented. All in favor, except Councilperson Kaner abstained and Councilperson Frisbie was absent.

### CONCERNS OF THE PEOPLE

Rob Izzo, 29 Federal Heights Drive, asked how the July 15, 2005 Town Board meeting was advertised. Supervisor Balland stated it was an emergency meeting and a notice was posted on the bulletin board. Mr. Izzo also asked if a position was approved would it be by law or resolution. Attorney Reed stated that it could be both; however, typically it is by resolution. Therefore, Mr. Izzo questioned the not-to-exceed 20 hours requirement and his concern with someone going over that requirement.

Mike Nicolo, 458 Sing Sing Road, reported that Community Days had a successful year and showed a revenue increase over last year. He also asked if there has been any further discussion regarding the installation of flags? Supervisor Balland stated that she referred the matter to the Town Center committee.

Jerry Welliver, 107 Lyons Drive, thanked the Highway Department for patching the roads in his neighborhood.



## MINUTES OF TOWN BOARD MEETING OF AUGUST 10, 2005

### REPORTS

The following reports for July 2005 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance; SPCA and Dog Licensing Monthly Report; Assessor's Monthly Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report; Community Center Monthly Report; Department of Public Works Monthly Report; Youth Commission Minutes; and Parks Commission Minutes.

### NEW BUSINESS

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session to discuss the finalization of the proposed contract with Town and Country Fire Department and disciplinary action of a particular employee. All in favor, except Councilperson Frisbie was absent. Motion carried.

### OLD BUSINESS

Sykora Property. A memo was received from Chuck Coons, Director of Building Inspection and Code Enforcement, dated August 10, 2005, informing the Town Board that the rear wall of the structure at 78 Hammond Street has been completely sided and the north side porch is being cleaned.

### CORRESPONDENCE

Meeting Minutes/RAMS. A copy of the meeting minutes of June 28, 2005 was received from the Rural Association of Mayors and Supervisor regarding real property assessment, charge back for Corning Community College, Time Warner negotiations, and a new tax collection policy.

Electric Safety Standards/NYS Public Service Commission. A notice was received from the State of New York Public Service Commission, dated June 15, 2005, stating that on January 5, 2005 a new set of statewide safety standards were adopted regarding the electric utilities.

Notice of Petition/General Mills Restaurant, Inc. A notice was received from Arnot Realty and General Mills Restaurants, Inc., dated July 19, 2005, informing the Town of a hearing being held August 26, 2005 for review of the 2005-2006 assessed valuations.

Airport Mine Expansion/Supervisor Balland. Upon receiving a notice from New York State Department of Environmental Conservation regarding the proposed expansion of the Airport mine project Supervisor Balland raised concerns regarding noise, dust, traffic, well water, primary aquifer, and the condition of Chambers Road.

Vehicle Concerns/E. Eggleton. A letter was received from Elizabeth Eggleton, dated August 1, 2005, thanking the Code Enforcement Office for their assistance in having the unregistered motor vehicles removed from private yards along County Route 64.

Fallen Tree Concerns/E. Eggleton. A letter was received from Elizabeth Eggleton, dated August 1, 2005, regarding her concerns with a tree that has fallen and is close to Sing Sing Creek.

MINUTES OF TOWN BOARD MEETING OF AUGUST 10, 2005

EXECUTIVE SESSION. The Town Board entered into Executive Session at 5:15 p.m.

Supervisor Balland reconvened the Town Board meeting at 5:53 p.m. Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the meeting at 5:53 p.m. All in favor, except Councilperson Frisbie was absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

PRESENT:           Supervisor    Mary Ann Balland  
                  Council       Edward Fairbrother  
                                Duane Gardner  
                                Dean Frisbie  
                                Leonard Kaner  
                  Attorney     Thomas Reed  
                  Clerk       Teresa Dean

Supervisor Balland called the Town Board Meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

### MINUTES

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of July 27, 2005 as presented. All in favor, except Councilperson Fairbrother abstained. Motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of August 10, 2005 as presented. All in favor, except Councilperson Frisbie abstained. Motion carried.

### REPORTS

Judy Zimmerman, Director of the Big Flats Community Center, provided the Town Board with a copy and briefly reviewed the newsletter and September activities report that will be sent to Town of Big Flats property owners.

Supervisor Balland provided the following reports:

- Newspaper articles about the City of Buffalo and Village of Horseheads were provided for the Town Board to review regarding the limit of dogs and/or cats per household;
- A meeting is scheduled with Laberge Group on August 29, 2005 at the Community Center;
- Department Supervisors are completing job evaluations;
- Highway and Town Supervisors will be meeting on September 24<sup>th</sup> to discuss snow plowing routes;
- A letter was received from George Winner informing the Town of the successful grant for the bridge construction to be added to the Rails to Trails; and
- A grant for Whitney Park had been submitted and a copy of the grant is forthcoming from Laberge Group.

Councilperson Frisbie reported that the Community Center Board amended the mission statement to "Big Flats Community Center is to enhance the lives of our citizens and our community by providing a quality facility and by offering diverse recreational, educational, cultural, and public interest activities".

MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

CONCERNS OF THE PEOPLE. None

OLD BUSINESS

Sykora Property Report. A memo was received from Chuck Coons, Director of Building Inspection/Code Enforcement, dated August 24, 2005, informing the Town Board that the work for 78 Hammond Street continues to be on schedule; however, the property owner has been asked to dispose of the building material scattered in the yard.

RESOLUTION NO. 206-05  
ZONING AMENDMENT REQUEST BY MILTON ROY FOR TAX PARCEL  
#48.03-2-2.11 DENIED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Town Board has received a letter from Milton Roy requesting the action of a zoning amendment to permit a golf course on Tax Parcel #48.03-2-2.11, and

WHEREAS the parcel is located at Sing Sing Road in the Airport Business Development (ABD) District which does not allow golf courses, and

WHEREAS the Planning Board reviewed this request and pursuant to Resolution P64-05 recommended that the Town Board deny the request, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board finds a zoning amendment to permit a golf course on Tax Parcel #48.03-2-2.11 is not consistent with the existing Town Comprehensive Plan, and

FURTHER RESOLVED the Town Board hereby denies the request to rezone Tax Parcel #48.03-2-2.11 as submitted by Milton Roy.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

RESOLUTION NO. 207-05  
DEPARTMENT OF PUBLIC WORKS ATTENDANCE TO PURCHASING  
CONFERENCE APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the SAMPO (State Association of Municipal Purchasing Officials) offers conferences to provide training for public procurement, and

WHEREAS SAMPO is holding a 2-day purchasing conference in Niagara Falls, New York October 26 - 28, 2005 to non-members at a reduced rate of only \$50, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Debra Knoll, Secretary to the Commissioner of Public Works, to attend the SAMPO purchasing conference October 26 - 28, 2005, with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION 208-05  
2006 BUDGET WORKSHOP MEETINGS APPROVED

Resolution by: Fairbrother  
Seconded by: Gardner

WHEREAS the Town Board has determined that budget workshops are needed for the purpose of reviewing said 2006 Tentative Budget proposal, and

WHEREAS, this is a Type II administrative action under SEQRA and thus no further environmental review is necessary, now

BE IT THEREFORE RESOLVED the Town Board sets special meetings for the purpose of reviewing the proposed 2006 Tentative Budget for September 7, 2005 at 4:00 p.m., September 14, 2005 at 4:00 p.m., September 17, 2005 from 9:00 a.m. – 12:00 noon, and September 24, 2005 from 9:00 a.m. – 12:00 noon.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

RESOLUTION NO. 209-05  
SENIOR CITIZENS COMMITTEE MEMBER RESIGNATION APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS the Town Board has received a notice from Ethel Clark that due to other responsibilities, she is unable to remain as a member of the Senior Citizen Committee, and

WHEREAS for environmental review administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Ethel Clark, 131 Hillview Drive, Big Flats as a member of the Senior Citizens Committee effective August 21, 2005 and request that the Town Supervisor, on behalf of the Town Board, send a letter of appreciation.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 210-05  
SENIOR CITIZENS COMMITTEE MEMBER APPOINTMENT APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS the Ethel Clark has resigned as a member of the Town of Big Flats Senior Citizen Committee, and

WHEREAS a verbal recommendation has been made by the Chairperson of the Senior Citizen Committee requesting the Town Board appoint Lois Haidvogel, and

WHEREAS for environmental review administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Lois Haidvogel, 102 Hillview Drive, Big Flats as a member of the Senior Citizens Committee effective August 21, 2005 with a term ending December 31, 2010.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

RESOLUTION NO. 211-05  
MRB GROUP CONSULTANT SERVICE AGREEMENT APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the Town of Big Flats Planning Board has received a request from Williams Oil, owner of Dandy Mini-Mart for site plan approval for construction of a convenience store and bank, and

WHEREAS the Town of Big Flats Planning Board has determined that review of the plan submitted by Hawk Engineering is technical in nature and that a consultant is required for review on behalf of the Town, and

WHEREAS the MRB Group has agreed to provide review of the drainage study at a cost not-to-exceed \$2,500.00, and

WHEREAS Town Municipal Code, Section 2.12.050, requires that the applicant establish an account with the Town for payment of the consultant for the Town for their review of said application, and

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with the MRB Group, subject to the review and approval by the Attorney for the Town, for purposes of providing technical review for the Dandy Mini-Mart site plan application at a cost not-to-exceed two thousand five hundred dollars (\$2,500.00).

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 212-05  
TOWN CLERK AND DEPUTY TOWN CLERK MEETING ATTENDANCE  
APPROVED

Resolution by: Frisbie  
Seconded by: Kaner

WHEREAS the New York State Town Clerks Association is offering a Regional Meeting on September 19, 2005 in Geneva, New York with program speakers to discuss the new Dog License Laws and the State of Board Elections to address the HAVA issues, and

MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

RESOLUTION NO. 212-05, TOWN CLERK AND DEPUTY TOWN CLERK  
MEETING ATTENDANCE APPROVED continued

WHEREAS it has been determined that it is necessary for the Town Clerk and Deputy Town Clerk to attend said meeting, and

WHEREAS the office of the Town Clerk will be staffed

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk and Deputy Town Clerk to attend the Regional Meeting on September 19, 2005 in Geneva, New York with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

Supervisor Balland stated that due to the fact that she has hired the applicant for landscaping services, she would be abstaining from this vote.

RESOLUTION NO. 213-05  
ZONING AMENDMENT REQUEST BY HAROLD AND LISA NOVITSKY FOR  
TAX PARCEL #67.02-1-6 DENIED

Resolution by: Fairbrother  
Seconded by: Gardner

WHEREAS the Town Board has received a letter from Harold and Lisa Novitsky requesting the action of a zoning amendment to permit horses to be boarded on Tax Parcel #67.02-1-6, and

WHEREAS the parcel is located at 674 County Route 64 in the Residential 1 (R1) District which does not allow farm animals, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board finds a zoning amendment to permit horses in a residential district is not consistent with the Town Comprehensive Plan, and



MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

RESOLUTION NO. 213-05, ZONING AMENDMENT REQUEST BY HAROLD AND LISA NOVITSKY FOR TAX PARCEL #67.02-1-6 DENIED continued

FURTHER RESOLVED the Town Board hereby denies the request to rezone Tax Parcel #67.02-1-6 as submitted by Harold And Lisa Novitsky.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner  
NAYS: None ABSTAIN: Balland

RESOLUTION NO. 214-05  
FRA ENGINEERING AGREEMENT APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS the Town of Big Flats Building Department has received construction documents from Target Corporation for a new retail building, and

WHEREAS the Director of Building Inspection and Code Enforcement has determined that review of the documents is technical in nature and requires significant review time, and that a consultant is required for review on behalf of the Town, and

WHEREAS FRA Engineering and Code Services has agreed to provide review of the construction documents at a cost not-to-exceed \$2,500.00, and

WHEREAS, the Town Municipal Code, Section 2.12.050, requires that the applicant establish an account with the Town for payment of the consultant for the Town for their review of said application, and Target Corporation has submitted payment for said services, and

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with FRA Engineering and Code Services, subject to the review and approval by the Attorney for the Town, for purposes of providing code review for Target at a cost not-to-exceed two thousand five hundred dollars (\$2,500.00).

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

RESOLUTION NO. 215-05  
CHARLES COONS AND ERIC COREY SOUTHERN TIER BUILDING OFFICIALS  
CONFERENCE ATTENDANCE APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the Southern Tier Building Officials (STBOA) conference is a training conference for Code Enforcement Officers, and

WHEREAS New York State requires code officials to obtain 24 credit hours of training to maintain state certification, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Charles Coons, Director of Building Inspection/Code Enforcement, and Eric Corey, Code Enforcement Officer, to attend the STBOA conference with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: Frisbie

RESOLUTION NO. 216-05  
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE the Town Board has determined that the following budget transfer is required:

FROM:	Contingency	A1990.0400	\$2,700.00
TO:	Central Data Processing	A1680.0400	\$2,700.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

RESOLUTION NO. 217-05

ABSTRACT OF AUDITED VOUCHERS FOR AUGUST 2005

Resolution by: Frisbie

Seconded by: Fairbrother

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for August 2005, vouchers 3277 - 3385, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$113,664.69
HIGHWAY FUND	\$ 44,208.21
WATER DISTRICT #1	\$ 3,081.24
WATER DISTRICT #2	\$ 25,243.88
WATER DISTRICT #3	\$ 31,495.97
WATER DISTRICT #4	\$ 4,810.97
CAPITAL PROJECT #6	\$ 51,382.88
LIGHTING DISTRICT	\$ 695.93
TRUST & AGENCY	\$ 6,515.57

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

CORRESPONDENCE

Bennett Road Drainage /P. McLane. A letter was received from Paul McLane, dated August 10, 2005, regarding his understanding that this year the drainage concerns above his property on Bennett Road would be attended to.

Road Concerns/C. Welch. A letter was received from Christina Welch, dated August 9, 2005, notifying the Town that while traveling on Kahler Road her vehicle sustained radiator damage.

Dog Control Contract/CC SPCA. A letter was received from Elaine Walker, Executive Director of the Chemung County Humane Society and Society for the Prevention of Cruelty to Animals, Inc. (SPCA), dated August 15, 2005, outlining the benefits to residents for those municipalities that contract with the SPCA. Also, the contract proposal for 2006 is \$19,605 or a 33% increase.

NYSEG Notice of Petition. A notice of petition, dated August 2, 2005, was received from New York State Electric & Gas Corporation.

Tax Collection Consolidation/Chairman of the Assessing Subcommittee. A letter was received from John F. Carpenter, Chairman of the Assessing Subcommittee, dated August 8, 2005, providing the Town Board with a copy of the final proposal regarding Property Tax Collection consolidation.

Final Equalization Rate/NYS ORPS. A notice was received from the State Board of Real Property Services, dated August 2, 2005, certifying that the final State Equalization Rate for the 2005 Town assessment roll is 100.00.

## MINUTES OF TOWN BOARD MEETING OF AUGUST 24, 2005

RAMS Meeting Minutes – July 26, 2005. A copy of the meeting minutes of July 26, 2005 was received from the Rural Association of Mayors and Supervisor regarding Clean Water Act, Shared Services, and communication with Legislators.

Chemung River Project Update/Cornell Cooperative Extension. A letter was received from Cornell Cooperative Extension of Chemung County, dated August 8, 2005, providing an update of the Chemung River projects and date for the presentations and river cleanup.

Landscape Improvements/NYS DOT. A notice was received from New York State Department of Transportation, dated August 9, 2005, regarding the landscape improvements for the intersection of NYS Route 17 and Kahler Road.

DRAM Advisory/NYS Attorney General's Office. A notice was received from the New York State Comptroller and Attorney General's Office, dated August 12, 2005, regarding the purchase of computers and computer equipment as it relates to dynamic random access memory (DRAM) products.

Milton Roy Gravel Mine Expansion/NYSDEC. A letter was received from John Cole, Deputy Regional Permit Administrator for New York State Department of Environmental Conservation, dated August 4, 2005, notifying the Town Board of the receipt of application and SEQRA Lead Agency selection for the 15.4 acre mining expansion of the Milton Roy – Sing Sing Road Gravel Mine.

Elmira-Corning Regional Airport Mining Application/NYSDEC. A letter was received from David Bimber, Deputy Regional Permit Administrator for New York State Department of Environmental Conservation, dated August 3, 2005, notifying the Town Board of the receipt of an incomplete application for the mining expansion of the Elmira-Corning Regional Airport Mine.

Outback Steakhouse, Inc./Liquor License Renewal Notice. A notice was received from Outback Steakhouse, Inc., dated July 28, 2005, informing the Town of their intent to renew their liquor license.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session at 7:47 p.m. for the purpose of discussing a particular personnel matter with Judy Zimmerman, Director of the Community Center. All in favor. Motion carried.

Supervisor Balland reconvened the meeting at 8:48 p.m. Councilperson Frisbie made a motion, seconded by Councilperson Kaner, to adjourn the Town Board meeting at 8:48 p.m. All in favor. Motion carried.

Date Approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 14, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                                Dean Frisbie  
                  Clerk        Teresa Dean

ABSENT:           Council       Leonard Kaner  
                                Duane Gardner  
                  Attorney     Thomas Reed

Supervisor Balland called the Town Board Meeting to order at 4:05 p.m. and proceeded with the review of the proposed 2006 budget.

NOTE: Councilperson Kaner arrived at 4:12 p.m. and Councilperson Gardner arrived at 4:22 p.m.

The following reports for August 2005 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Supervisor's Fund Balance; SPCA and Dog Licensing Monthly Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report; Community Center Monthly Report; Department of Public Works Monthly Report; Youth Commission Minutes; and Parks Commission Minutes.

### REPORTS.

Supervisor Balland provided the following reports:

- The Town and Country Fire Protection District contract is in the process of being finalized;
- The IRS has increased the mileage rate from 40.5 to 48.5;
- The stop signs at the intersection of Sing Sing Road and Kahler Road are being removed;
- A request has been made from property owners to purchase a portion of land from the Town at the end of Far Rockaway Road;
- Laberge Group will be holding a meeting in October;
- The sale for Hungerford has been changed from October 20, 2005 to October 27, 2005;
- A newsletter from the Town is being considered which will be mailed January, May and September;
- The walking path in Community Park will be closed on Friday for repaving;
- The next meeting will begin with a Water Board item;
- The Town Board will enter into Executive Session to discuss 4 particular personnel matters;
- The Assessor and Court Clerk will be attending conferences; and
- Employee evaluations have been completed.

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 14, 2005

CONCERNS OF THE PEOPLE

Steve Teets, 10 Farr Lane, reported that as a result of patching done on Farr Lane and Somerset Drive boulders are on the road. Supervisor Balland referred to Highway Supervisor Gaylord. Supervisor Gaylord reported that the Highway Department has not completed any patching on this road and it appears that cars are cutting the corner and stirring up the property owners yard. Mr. Teets also reported that people are driving 4-wheelers on the drainage dike behind his property.

NOTE: Attorney Reed arrived at 4:42 p.m.

NEW BUSINESS

RESOLUTION NO. 218-05  
WINTER T.A.F.F.Y. EMPLOYEES FOR 2005-2006 APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Youth Commission had designated Winter T.A.F.F.Y. for September 30, 2005 through April 10, 2006, and

WHEREAS the Youth Commission has conducted interviews and recommends the appointment of Erica Brown, Alyssa Case, Timothy Hutten, and Chad Sozanski, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints the following Winter T.A.F.F.Y. employees for September 30, 2005 through April 10, 2006:

Erica Brown	15 Woodland Way, Big Flats	\$7.00/hour
Alyssa Case	420 Tifft Ave., Horseheads	\$6.75/hour
Timothy Hutten	57 Woodland Drive, Big Flats	\$6.15/hour
Chad Sozanski	810 Harris Hill Road, Big Flats	\$6.15/hour

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 14, 2005

RESOLUTION NO. 219-05  
SUPPORT OF THE TRANSPORTATION BOND ACT OF 2005 APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS all of the various communities and residents of the State of New York receive significant benefits, including without limitation significant economic opportunities through increased and enhanced development as well as a reduction in highway fatalities and injuries, arising out of the maintenance and upgrading of the transportation system within the State, and

WHEREAS the State Legislature and the Governor have proposed a five-year \$35.8 billion capital transportation plan that includes the \$2.9 billion Transportation Bond Act of 2005 (Bond Act), and

WHEREAS the investment by the State of New York and its citizens in highways and bridges within the state not only provides a safer and more efficient transportation system, but also provides all New Yorkers with the ability to meet their individual transportation needs in a safe and efficient manner, and

WHEREAS one of the projects which will benefit from the Bond Act is the upgrade of New York State Route 17, which traverses ten counties located within the Southern Tier, to Interstate 86, and

WHEREAS a study projects that the conversion of New York State Route 17 to Interstate 86 will result in a \$3.2 billion direct economic benefit to the communities along the I-86 highway corridor once the conversion has been completed, and

WHEREAS residents of the State of New York have overwhelmingly expressed their support for increased investment in the improvement of roads and bridges within the State to provide for safer and more efficient transportation within the State, and

WHEREAS the Bond Act is only one part of an overall plan to improve the transportation infrastructure within the State, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats does hereby express its support for the \$2.9 billion Bond Act and recommends its approval by the voters of the State of New York, and

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 14, 2005

RESOLUTION NO. 219-05, SUPPORT OF THE TRANSPORTATION BOND ACT OF 2005  
APPROVED continued

FURTHER RESOLVED the Town Clerk is hereby authorized to forward a certified copy of this resolution to Governor George E. Pataki, Senate Temporary President and Majority Leader Joseph L. Bruno, Speaker of the Assembly Sheldon Silver, Senator George H. Winner, Jr., Assemblyman Thomas F. O'Mara, Transportation Commissioner Thomas Madison, Senate Transportation Committee Chairman Thomas W. Libous, Assembly Standing Committee on Transportation David Gantt, and Chairman of the I-86 Coalition Theodore A. Bennett.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 220-05  
RECEIVERS OF REVENUE FOR BUILDING INSPECTION/CODE ENFORCEMENT AND  
PLANNING DEPARTMENTS APPROVED

Resolution by: Balland  
Seconded by: Gardner

RESOLVE the Town Board appoints Nancy Van Maarseveen, Charles Coons, Eric Corey, Suzanne Brinthaup, and Merlyn Tiwari, as Receivers of Revenue for the Building Inspection/Code Enforcement and Planning Departments.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 14, 2005

RESOLUTION NO. 221-05

PAVING OF THE WALKING TRAIL IN COMMUNITY PARK EXTENSION APPROVED

Resolution by: Gardner

Seconded by: Frisbie

WHEREAS the condition of the walking trail at Community Park Extension requires it be paved, and

WHEREAS the cost to pave the walking trail is not to exceed \$12,500, and

WHEREAS the Commissioner of Public Works duly advertised and accepted bids on April 16, 2005 for the 2005 road pavement with Narde Paving being the successful bidder, and

WHEREAS for environmental review, this is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (1) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Narde Paving to pave the walking trail at a cost not to exceed \$12,500.00 as per the Town's previously accepted bid price with Narde Paving.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 222-05

PARKS CAPITAL EXPENDITURE FOR CONSTRUCTION OF A PAVILION APPROVED

Resolution by: Frisbie

Seconded by: Fairbrother

WHEREAS the Big Flats Parks Commission has determined the need for the construction of a new pavilion, and

WHEREAS the site for the new pavilion will be at Community Park Extension, and

WHEREAS the approximate cost for said pavilion will be \$20,000.00, and

WHEREAS a Parks Capital Project Fund as outlined in Resolution No. 393-01 was established, and

WHEREAS the construction of the pavilion was approved by Resolution No. 145-05 at a Town Board Meeting on April 27, 2005, and

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 14, 2005

RESOLUTION NO. 222-05, PARKS CAPITAL EXPENDITURE FOR CONSTRUCTION OF A PAVILION APPROVED continued

WHEREAS for environmental review purposes, this is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (7) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Commissioner of Public Works is authorized to expend up to \$20,000 for the purchase of materials related to the construction of said pavilion.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 223-05  
SEALING AND RE-STRIPING TOWN COMPLEX PAVEMENT APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Town Complex pavement was completed approximately one year ago, and

WHEREAS the pavement needs to be sealed to be properly maintained, and

WHEREAS the cost to seal and re-stripe the Town Complex pavement is not to exceed \$10,850, and

WHEREAS for environmental review, this is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (1) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Independence Sealcoating to seal and re-stripe the Town Complex pavement at a cost not to exceed \$10,850.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 14, 2005

RESOLUTION NO. 224-05  
BIG FLATS COMMUNITY CENTER BOARD AMENDMENT APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS the Town Board adopted Resolution No. 144-04, June 9, 2004, establishing a Community Center Board whose purpose will be to formulate policy and regulations to be presented to the Town Board, and

WHEREAS the Town Board has determined that said Committee is necessary to review and provide updates of the Use Policy and Agreement and monitor the daily activities of said facility, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board amends the Community Center Board to be as follows: Community Center Board will be comprised of a total of seven members; five community representatives, one person representing the Youth Commission, and one person representing the Senior Citizens Committee, and

FURTHER RESOLVED the Town Board will appoint two community representatives for a two-year term and three community representatives for a three-year term. Representatives from the Youth Commission and Senior Citizen Committee, as recommended by their respective group, will be appointed annually by the Town Board at the Town Board's Organization Meeting, and

FURTHER RESOLVED the Town Board authorizes the Chairperson of the Community Center Board to be paid \$50.00 for each regularly scheduled monthly meeting actually attended by the Chairperson(s) and payment shall be made by a voucher and submitted to the Bookkeeper, and

FURTHER RESOLVED that each regular member of the Community Center Board of the Town of Big Flats shall be paid \$15.00 for each regularly scheduled monthly meeting actually attended by said member and payment shall be made by a voucher submitted to the Bookkeeper, and

FURTHER RESOLVED a secretary, as recommended by the Community Center Board, will be appointed by the Town Board at the Town Board's Organizational Meeting.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 14, 2005

RESOLUTION NO. 225-05

COMMUNITY CENTER BOARD RESIGNATION/APPOINTMENT APPROVED, 2005

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS Judith Zimmerman has tendered her resignation from the Community Center Board as a member of the five members of the Community, and

WHEREAS the Big Flats Community Center Board recommends that Robert Adams, 45 Brookside Circle, Elmira, fill said vacancy

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Judith Zimmerman as a member of the Community Center Board, and

FURTHER RESOLVED the Town Board appoints Robert Adams, 45 Brookside Circle, Elmira to the Big Flats Community Center Board with a term expiring December 31, 2005

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

OLD BUSINESS

Sykora Property. A memo was received from Chuck Coons, Director of Building Inspection/Code Enforcement, dated September 12, 2005, informing the Town Board that the required work, pursuant to the agreement, for September 10, 2005 has been completed. The next work timeframe requires the second floor area covering and drop ceiling to be completed. Coons also stated that the lawn is being maintained and the overall property is in fair condition.

CORRESPONDENCE

Vehicle Concerns/E. Eggleton. A letter was received from Elizabeth Eggleton, dated August 26, 2005, reporting that a trailer that is being sold has been placed in the front yard of a neighboring resident.

Meeting Minutes/Elmira Chemung Transportation Council. A memo was received from the Planning/Policy Committee of the Elmira-Chemung Transportation Council, dated September 1, 2005, forwarding a copy of the meeting minutes of said Committee.

Notice of Incomplete Mining Permit Application – Sing Sing Road Gravel Pit/NYSDEC. A letter was received from the New York State Department of Environmental Conservation, dated September 1, 2005, which informed Mr. Milton Roy of an incomplete application for the proposed renewal and expansion of the Sing Sing Road Gravel Pit.

TOWN OF BIG FLATS TOWN BOARD MEETING OF SEPTEMBER 14, 2005

EXECUTIVE SESSION. Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to enter into Executive Session at 4:55 p.m. to discuss four particular personnel matters. All in favor, motion carried.

Supervisor Balland reconvened the Town Board meeting at 5:53 p.m. The Town Board proceeded with the review of the Water Districts and Department of Public Works portion of the proposed 2006 budget.

NOTE: Attorney Reed was excused at 6:10 p.m.

Since there was no further business to come before the Town Board the meeting was adjourned at 7:30 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

MINUTES OF SPECIAL TOWN BOARD WORKSHOP OF SEPTEMBER 21, 2005

PRESENT:           Supervisor    Mary Ann Balland  
                  Council       Duane Gardner  
                                  Dean Frisbie  
                                  Leonard Kaner  
                                  Edward Fairbrother  
                  Clerk        Teresa Dean

ABSENT:           Attorney     Thomas Reed

Supervisor Balland called the Special Town Board Workshop to order at 4:00 p.m.

The Town Board proceeded with the review of the highway and general fund portion of the proposed 2006 budget.

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to enter into Executive Session at 5:30 p.m. to discuss particular personnel matters. All in favor, motion carried.

Supervisor Balland reconvened the Town Board Workshop at 6:00 p.m. and proceeded with the review of the general fund portion of the proposed 2006 budget.

Councilperson Kaner was excused at 6:00 p.m.

Since there was no further business to come before the Board the meeting was adjourned at 7:15 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

PRESENT:            Supervisor    Mary Ann Balland  
                         Council           Edward Fairbrother  
                                   Duane Gardner  
                                   Dean Frisbie  
                                   Leonard Kaner  
                         Attorney       Thomas Reed  
                         Clerk          Teresa Dean

Supervisor Balland called the Town Board Meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance.

### MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of July 15, 2005 as presented. All in favor, motion carried.

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of August 24, 2005 as presented. All in favor, motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Frisbie, to approve the minutes of September 7, 2005 as presented. All in favor, motion carried.

Councilperson Frisbie made a motion, seconded by Councilperson Fairbrother, to approve the minutes of September 14, 2005 as presented. All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of September 21, 2005 as presented. All in favor, motion carried.

### CONCERNS OF THE PEOPLE

Roxane Drost, 3 Woods View Drive, provided the Town Board with a petition requesting a speed limit reduction on Harris Hill Road, specifically the area along Quail Hollow Subdivision. Due to the increased population in the area the residents feel that a 55 MPH speed limit is no longer justified.

Adrienna Bernhardt, 809 Harris Hill Road, reported that they have been residents of this area for 35 years and stated that the traffic has increased in quantity and speed. Gary Bernhardt stated that West Hill Road in the Town of Elmira, an area with no houses, has a speed limit of 30 MPH.

Jane King, 15 Kelley Drive, questioned why Main Street has been widened and repaved? Supervisor Balland stated Main Street is a County Road and she would check with Tim Von Neida, Chemung County Commissioner of Public Works.

## MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

### REPORTS

Supervisor Balland provided the following reports:

- A request had been made for the Town Board to consider selling a portion of the Palisades to an adjoining property owner and asked the Town Board if they had given any consideration to whether or not there was any interest in selling a portion of the Palisades? The majority of the Town Board objected to the request.
- A meeting was held in the Town of Horseheads to discuss the current A&P Plant conversion. During this meeting it was requested and agreed that the traffic study include County Route 64 at the intersections of Harris Hill Road and Winters Road. The time schedule and drainage was also discussed.
- Fortuna held an open house at the Community Center with approximately 300 participants.

### OLD BUSINESS

Sykora Property Report. No report.

### NEW BUSINESS

#### RESOLUTION NO. 226-05 KAY STEWART PROCLAMATION AUTHORIZED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS Walmart selects one of the nation's top educators for the Teacher of the Year Program, and

WHEREAS this year one of our local school district teachers was selected for this honor, and

WHEREAS the Town Board of the Town of Big Flats wishes to recognize and congratulate the recipient of this honor, now

BE IT THEREFORE RESOLVED that the Town Board proclaims October 28, 2005 as "Kay Stewart Day" in the Town of Big Flats and ask that all residents honor her.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None



MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 227-05

PART-TIME CLERK POSITION AND APPOINTING OF JO ANN SCHUCKER APPROVED

Resolution by: Fairbrother

Seconded by: Gardner

WHEREAS the Town Board has determined that a Part Time Clerk is necessary for the purpose of preparing, editing and mailing of a Town newsletter, and

WHEREAS the Town Supervisor recommends the Town Board appoint JoAnn Schucker, 88 Main Street, Big Flats, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board creates the position of part-time Clerk for the purpose of preparing, editing and mailing a Town newsletter, and

FURTHER RESOLVED the Town Board appoints Jo Ann Schucker of 88 Main Street, Big Flats, as a part-time Clerk, effective October 3, 2005 at the rate of \$8.50 per hour, subject to the review and approval of the Chemung County/City of Elmira Regional Civil Service Commission.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 228-05

TOWN DIRECTOR OF PLANNING POSITION APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS the Town Supervisor submitted a New Position Duties Statement, dated July 5, 2005, to Chemung County/City of Elmira Regional Civil Service Commission requesting that a new full time position be classified in the Town in order to recognize the Planning, Zoning and Code Enforcement Office for the Town, the submission of which is hereby ratified by the Town Board, and

WHEREAS there is a recognizable need for such a position in the Town because of the increased workload due to the significant development now occurring within the Town, as well as the general day to day functions of said departments in overseeing the existing properties within the Town, and

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 228-05, TOWN DIRECTOR OF PLANNING POSITION APPROVED  
continued

WHEREAS the Chemung County/City of Elmira Regional Civil Service Commission has yet to review and approve such position but has tentatively scheduled such action for the Commission's October 4, 2005 meeting, and

WHEREAS the administration of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED the Town Board hereby formally authorizes the creation of a new full time position within the Town, tentatively titled "Director of Planning", to supervise and manage the Town Zoning, Planning and Code Enforcement offices, subject to the review, approval and classification of the Chemung County/City of Elmira Regional Civil Service Commission, and

FURTHER RESOLVED the Town Board hereby establishes the starting salary schedule for such position to be \$37,500 to \$45,000 per year, plus full time benefits as provided by the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 229-05  
DIRECTOR OF BUILDING INSPECTION AND CODE ENFORCEMENT POSITION  
RECLASSIFICATION AUTHORIZED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS because of recent changes in the Town's full time staff by way of the creation of a new full time Director of Planning, the existing job functions of the Director of Building Inspection and Code Enforcement needs to be reviewed and reclassified by the Town and the Chemung County/City of Elmira Regional Civil Service Commission, and

WHEREAS the Chemung County/City of Elmira Regional Civil Service Commission has been contacted by the Town Supervisor regarding review of such position and has tentatively scheduled such action for the Commission's October 4, 2005 meeting, and

WHEREAS the administration of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED the Town Board hereby formally authorizes and directs the Town Supervisor to seek the review and reclassification of the existing Town position of Director of Building Inspection and Code Enforcement by the Chemung County/City of Elmira Regional Civil Service Commission as provided under the applicable provisions of the Civil Service Law, and

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 229-05, DIRECTOR OF BUILDING INSPECTION AND CODE ENFORCEMENT POSITION RECLASSIFICATION AUTHORIZED continued

FURTHER RESOLVED that Charles Coons, the present Director of Building Inspection and Code Enforcement be and hereby is appointed to such reclassified position as determined by the Chemung County/City of Elmira Regional Civil Service Commission, at the same rate of pay and with the same benefits presently received by Mr. Coons in his employment with the Town as the Director of Building Inspection and Code Enforcement.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Gardner  
NAYS: None

RESOLUTION NO. 230-05  
TOWN REVISED ORGANIZATIONAL CHART APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS because of recent changes in the Town's full time staff by way of the creation of a new full time Director of Planning, the Town's organizational chart requires to be updated accordingly, and

WHEREAS the administration of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

THEREFORE, BE IT RESOLVED that the Town Board hereby formally approves the revised organizational chart last dated September 28, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 231-05  
FIRE PROTECTION DISTRICT NO. 1 PUBLIC HEARING APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS there is a Fire Protection District No. 1 in the Town of Big Flats, and

WHEREAS the Town must enter into an agreement for the purpose of providing fire and emergency response to said District, now

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 231-05, FIRE PROTECTION DISTRICT NO. 1 PUBLIC HEARING  
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board sets a public hearing for October 26, 2005 at 7:05 p.m. for the purpose of allowing comments on the proposed Fire Protection District No. 1 agreement with Town & Country Fire Department.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 232-05  
CHEMUNG COUNTY HUMANE SOCIETY & SPCA AGREEMENT APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the Town Board requested a proposal from the Chemung County Humane Society & SPCA for the purpose of conducting dog control, and

WHEREAS for environmental review purposes the Town Board finds this to be Type 2 administrative action pursuant to 6NYCRR 617.5(c)(19) and as such, no environmental review is required for a Type 2 action, now

BE IT THEREFORE RESOLVED, the Town Board authorizes the Town Supervisor to enter into an agreement with the Chemung County Humane Society & SPCA for the purposes of conducting dog control at a cost not-to-exceed \$15,252.00 for the 2005 calendar year.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 233-05  
MILEAGE ALLOWANCE TO \$.485 APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Town Board adopted Resolution No. 25-05 which set the mileage allowance rate of \$.405, and

WHEREAS effective September 1, 2005 for the final four months of 2005 a special adjustment to the mileage rate was set by the Internal Revenue Service, and

WHEREAS for environmental review purposes the Town Board finds this to be Type 2 administrative action pursuant to 6NYCRR 617.5(c)(19) and as such, no environmental review is required for a Type 2 action, now

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 233-05, MILEAGE ALLOWANCE TO \$0.485 APPROVED continued

BE IT THEREFORE RESOLVED the Town Board amends the set mileage at \$0.485 per mile for Town Officials and employees when using their personal vehicles for official Town business, when authorized by the Town Board.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 234-05  
TIMBER HARVESTING ON THE LEONARD R. MCMASTER PROPERTY APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS a Timber Harvesting Application has been received from Mr. Leonard R. McMaster to harvest approximately 62,000 board feet of timber from approximately 75 acres of land, Tax Parcel #77.00-1-31, and

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will consist of a select cut of timber.
2. The timber harvesting will occur after October 1, 2005.
3. Disturbed areas including skid trails, haul roads, and the landing area will be smoothed on completion of the logging operation and seeded with rye grass, as needed.
4. Diversion ditches and water bars as required will be installed to prevent erosion.

BE IT THEREFORE RESOLVED the application for a Timber Harvesting Permit submitted by Leonard R. McMaster be approved as follows:

1. The Timber Harvesting will be done in accordance with Chapter 5.16 of the Town of Big Flats Municipal Code.
2. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield.
3. The transport of logs may only occur between the hours of 8:00 a.m. to 9:00 p.m. daily with the exception that on days that public schools are in session the transport of logs is not to occur earlier than 8:30 a.m. or between the hours of 1:30 and 4:30 p.m.
4. County roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and will be cleaned, when required by the Code Enforcement Officer, as a result of inspections he may perform.

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 234-05, TIMBER HARVESTING ON THE LEONARD R. MCMASTER PROPERTY APPROVED continued

5. A performance bond or certified check in the amount of \$2,250.00 must be posted with the Town Clerk prior to beginning the timber harvesting operation. The bond or check will be returned upon the satisfactory completion of all logging operations, compliance with the conditions of this resolution, and a final inspection of the timber harvesting site by the logger involved, Foresters, the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
6. The logger shall obtain and file proof of Vehicle, General Liability Insurance, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and property damage of \$250,000 for logging operations with the Code Enforcement Officer at least two business days prior to commencing any work. Said proof of insurance must name the Town of Big Flats as additional insured and be approved by the Town Attorney prior to the commencement of work.
7. As work progresses, the logger shall install diversion ditches and/or water bars as necessary to prevent soil erosion on haul roads, skid trails, and at the landing area.
8. Upon completion of the logging operation, all skid trails, roads and landing areas shall be graded and seeded with rye grass as needed.
9. Upon completion of the harvesting activity, reclamation of the site shall be performed by the logger. Haul roads shall have water bars placed at the following intervals:

ROAD GRADE	SPACING IN FEET
2-5%	300-500 FT.
6-10%	200-300 FT.
11-15%	100-200 FT.
16 & GREATER	100 FT.

10. The logger shall notify the Code Enforcement Office within five days of completion to coordinate on-site inspections.
11. The logging site shall be subject to periodic inspections by the Code Enforcement Officer and Chemung County Soil and Water Conservation Service representatives at any time during the course of the operation. These inspections will be done during the normal working hours of the logger.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 235-05  
WINTER T.A.F.F.Y. APPOINTMENT APPROVED

Resolution by: Gardner

Seconded by: Frisbie

WHEREAS the Youth Commission had designated Winter T.A.F.F.Y. for September 30, 2005 through April 10, 2006 and recommended the appointment of Erica Brown, Alyssa Case, Timothy Hutten, and Chad Sozanski, and

WHEREAS the Town Board adopted Resolution No. 218-05 which appointed said employees, and

WHEREAS the Youth Commission has determined that an additional employee is required for Winter T.A.F.F.Y. and recommends the appointment of Kathleen VonBevern, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Kathleen VonBevern, 51 Glendale Drive, Horseheads at the rate of \$6.75 per hour as a Winter T.A.F.F.Y. employee for September 30, 2005 through April 10, 2006.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

Preliminary Budget Public Hearing. This item was tabled until October 12, 2005.

RESOLUTION NO. 236-05  
HIGHWAY FUND BUDGET TRANSFER APPROVED

Resolution by: Frisbie

Seconded by: Fairbrother

WHEREAS the General Repairs is over budget and requires a transfer, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (25), now

BE IT THEREFORE RESOLVED the Town Board approves the following budget transfer:

FROM:	Snow Removal	D5142.0400	\$20,000.00
	Worker's Comp	D9040.0800	\$11,000.00
	Hosp/Med Ins	D9060.0800	\$12,000.00
TO:	General Repairs	D5110.0400	\$43,000.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland

NAYS: Kaner

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 237-05  
GENERAL FUND BUDGET AMENDMENT APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the current and upcoming expenses and revenues for the remainder of the year requires an amendment for the Community Center expenses and revenue accounts, and

WHEREAS for environmental review, purchasing or sale is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (25), now

BE IT THEREFORE RESOLVED the Town Board approves the following budget amendment:

Increase Revenues	A0512	\$15,000.00
Increase Expenses	A0960	\$15,000.00

AMEND BUDGETARY ACCOUNTS

Increase Room Rent Charge	A2025	\$ 2,800.00
Increase Activities Fees	A2025.0001	\$12,200.00
Increase Adult Recreation	A7140.0400	\$15,000.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 238-05  
ABSTRACT OF AUDITED VOUCHERS FOR SEPTEMBER 2005 APPROVED

Resolution by: Kaner  
Seconded by: Gardner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for September 2005, vouchers 3386 - 3541, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$53,625.79
HIGHWAY FUND	\$33,647.72
WATER DISTRICT #1	\$ 4,406.95
WATER DISTRICT #2	\$ 3,929.92
WATER DISTRICT #3	\$ 1,835.50
WATER DISTRICT #4	\$ 212.03
LIGHTING DISTRICT	\$ 695.93
CAPITAL PROJECT #8	\$ 2,677.50
TRUST & AGENCY	\$ 1,249.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



## MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

**EXECUTIVE SESSION.** Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session immediately following the meeting to discuss collective bargaining contract. All in favor, motion carried.

### CORRESPONDENCE

**Chambers Road Investigation/NYSDOT.** A letter was received from State of New York Department of Transportation, dated September 8, 2005, informing the Town Board that the speed limit reduction request for Chambers Road between Sing Sing Road and the Big Flats/Catlin Town line has been denied.

**2004 Financial Statement/STEG.** A letter was received from Tara Cofone, Business Manager of Southern Tier Economic Growth (STEG), dated September 16, 2005, providing the 2004 Financial Statements for STEG.

**World Trade Center Operations Notice/NYS&LRS.** A letter was received from the New York State and Local Retirement System, September 6, 2005, regarding a new law that provides participants in the World Trade Center rescue, recovery and clean up efforts with an accidental disability presumption.

**Small Claims Assessment Decisions.** A notice was received from the Decision of Hearing Officer for Small Claims Assessment Review petition informing the Town Board of the decisions for Craig & Mary Ellen Baravelle and David Manchester.

**Flooding Concerns/J. Brennan.** A copy of a letter was received from John Brennan, 3275 Stonybrook Road, written to Congressman Kuhl regarding his concerns with flooding that had occurred on his property.

**Drainage Concerns – Davenport Road/D. Arnold.** A letter was received from Marie Caroscio, dated September 20, 2005, expressing her concerns for David Arnold of 157 Davenport Road not receiving a response from a letter regarding a 50' right-of-way and drainage ditch along his property. A letter was written to Mr. Arnold informing him that the 50' right-of-way is private property; therefore, the Town has no involvement. Also a site visit was conducted while it was raining and at this time there are no plans for alterations to the roadside ditch.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to temporarily suspend the Town Board portion of the meeting. All in favor, motion carried.

### WATER BOARD

Supervisor Balland called the Water Board meeting to order at 7:41 p.m.

David Young of Bergman Associates stated that he is representing Marc Mancini, 34 Retirement Estates, who is the current owner of Retirement Estates who is requesting authorization to continue using PVC for the water connections. Mr. Young briefly explained the history of Retirement Estates site plan, the amendments and future plans. Mr. Mancini explained that he has previously owned 47 communities and sold those to purchase Retirement Estates. It is his

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

feeling that PVC is the type of piping to use due to the fact that the houses are placed on slabs and if there is any shifting of the slab, it would seriously effect the water and electrical line piping. Mr. Young reiterated that his client is requesting authorization to use PVC pipe for the remaining 18 homes and for the next phase of the project, which will be apartments, they agree to use ductile piping. Supervisor Balland requested the Town Board members speak with the Water Department staff and on or about October 12, 2005 a decision be directed to Mr. Young and Mr. Mancini. Mr. Mancini pointed out that the difference in cost for ductile versus PVC is approximately \$1,200 to \$1,500 per home and the approximate length of pipe is 700 feet.

NEW BUSINESS

RESOLUTION NO. 240-05

WATER DISTRICT #2 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED

Resolution by: Balland

Seconded by: Fairbrother

WHEREAS Water District #2 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District #2 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2006 Special Assessment roll for Water District #2 has been completed and filed with the Town Clerk on September 28, 2005, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of a public hearing in the matter of the 2006 Special Assessment Roll for Water District #2 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 12, 2005, at 4:33 p.m., and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time and location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 241-05  
WATER DISTRICT #3 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS Water District #3 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District #3 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2006 Special Assessment roll for Water District #3 has been completed and filed with the Town Clerk on September 28, 2005, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of a public hearing in the matter of the 2006 Special Assessment Roll for Water District #3 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 12, 2005, at 4:35 p.m., and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time and location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 28, 2005

RESOLUTION NO. 242-05

WATER DISTRICT #4 SPECIAL ASSESSMENT PUBLIC HEARING APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS Water District #4 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District #4 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2006 Special Assessment roll for Water District #4 has been completed and filed with the Town Clerk on September 28, 2005, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of a public hearing in the matter of the 2006 Special Assessment Roll for Water District #4 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 12, 2005, at 4:37 p.m., and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time and location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner to adjourn the Water Board meeting at 8:08 p.m. All in favor, motion carried.

Supervisor Balland reconvened the Town Board meeting and requested the Town Board enter into Executive Session.

Supervisor Balland reconvened the Town Board meeting. Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie to adjourn the Town Board meeting at 9:15 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

PRESENT: Council Edward Fairbrother  
Duane Gardner  
Dean Frisbie  
Leonard Kaner  
Attorney Thomas Reed  
Clerk Teresa Dean

ABSENT: Supervisor Mary Ann Balland

Deputy Supervisor Fairbrother called the Water Board Meeting to order at 4:30 p.m. and requested participation in the Pledge of Allegiance. Jay Boudreau, Water Systems Supervisor, conducted an overview of the Water District Special Assessments proposed charges, debt payoff timeframe, and benefits of water service.

PUBLIC HEARING: 4:33 P.M. Water District No. 2 Special Assessment

Attorney Reed called the Public Hearing to order at 4:37 p.m. and read the legal notice published in the Elmira Star Gazette on October 1, 2005, with further notice being provided to the affected Water District users directly via mailings, which allowed and considered public comments on the 2006 Special Assessment for Water District #2.

IN FAVOR: None  
OPPOSITION: None  
COMMENTS: Robert Thomas, 548 Sing Sing Road, stated he received a letter that indicated a one-time charge for engineering costs and questioned what was the engineering? Mr. Thomas asked how someone would obtain a copy of this engineer report. Water Systems Supervisor Boudreau explained the one-time charge and the purpose of the engineer report.

Since there were no further comments, the Public Hearing was closed at 4:42 p.m.

PUBLIC HEARING: 4:35 P.M. Water District No. 3 Special Assessment

Attorney Reed called the Public Hearing to order at 4:42 p.m. and read the legal notice published in the Elmira Star Gazette on October 1, 2005, with further notice being provided to the affected Water District users directly via mailings, which allowed and considered public comments on the 2006 Special Assessment for Water District #3.

IN FAVOR: None  
OPPOSITION: None  
COMMENTS: None

Since there were no further comments, the Public Hearing was closed at 4:43 p.m.

# MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

PUBLIC HEARING: 4:37 P.M.      Water District No. 4 Special Assessment

Attorney Reed called the Public Hearing to order at 4:43 p.m. and read the legal notice published in the Elmira Star Gazette on October 4, 2005, with further notice being provided to the affected Water District users directly via mailings, which allowed and considered public comments on the 2006 Special Assessment for Water District #4.

IN FAVOR:	None
OPPOSITION:	None
COMMENTS:	None

Since there were no further comments, the Public Hearing was closed at 4:44 p.m.

RESOLUTION NO. 243-05  
2006 SPECIAL ASSESSMENT FOR WATER DISTRICT #2 APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS, the Town Board of the Town of Big Flats, Chemung County has completed an assessment roll in connection with the financing of existing debt service for capital improvements for Water District #2 and filed the same with the Town Clerk of the Town of Big Flats on September 28, 2005, and

WHEREAS, the Town Board caused due notice of the completion of said assessment roll and of the time and place wherein the Town Board would meet and hear and consider any objections to said assessment roll, to be duly published according to law, and

WHEREAS, the Town Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 12, 2005, the time and place specified in said notice and heard and considered all objections to said assessment-roll, now

BE IT THEREFORE RESOLVED, that the said assessment roll be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and be it

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment roll a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax roll, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

RESOLUTION NO. 244-05  
2006 SPECIAL ASSESSMENT FOR WATER DISTRICT #3 APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS, the Town Board of the Town of Big Flats, Chemung County has completed an assessment roll in connection with the financing of existing debt service for capital improvements for Water District #3 and filed the same with the Town Clerk of the Town of Big Flats on September 28, 2005, and

WHEREAS, the Town Board caused due notice of the completion of said assessment roll and of the time and place wherein the Town Board would meet and hear and consider any objections to said assessment roll, to be duly published according to law, and

WHEREAS, the Town Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 12, 2005, the time and place specified in said notice and heard and considered all objections to said assessment-roll, now

BE IT THEREFORE RESOLVED, that the said assessment roll be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and be it

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment roll a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax roll, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 245-05  
2006 SPECIAL ASSESSMENT FOR WATER DISTRICT #4 APPROVED

Resolution by: Frisbie  
Seconded by: Kaner

WHEREAS, the Town Board of the Town of Big Flats, Chemung County has completed an assessment roll in connection with the financing of existing debt service for Water District #4 and filed the same with the Town Clerk of the Town of Big Flats on September 28, 2005, and

WHEREAS, the Town Board caused due notice of the completion of said assessment roll and of the time and place wherein the Town Board would meet and hear and consider any objections to said assessment roll, to be duly published according to law, and

## MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

RESOLUTION NO. 245-05, 2006 SPECIAL ASSESSMENT FOR WATER DISTRICT #4  
APPROVED continued

WHEREAS, the Town Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 12, 2005, the time and place specified in said notice and heard and considered all objections to said assessment-roll, now

BE IT THEREFORE RESOLVED, that the said assessment roll be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and be it

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment roll a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax roll, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

Councilperson Kaner made a motion, seconded by Councilperson Frisbie, to adjourned the Water Board meeting at 4:45 p.m. All in favor, except Supervisor Balland was absent. Motion carried.

### TOWN BOARD

Deputy Supervisor Fairbrother called the Town Board meeting to order at 4:45 p.m.

#### REPORTS

The following reports for September 2005 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; NYS Town Clerk's Association Certification of Completion – Sheree McGannon; Supervisor's Fund Balance; SPCA and Dog Licensing Monthly Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report; Assessor's Monthly Report; Community Center Monthly Report; Department of Public Works Monthly Report; Youth Commission Minutes; and Parks Commission Minutes.

Deputy Supervisor Fairbrother explained the Town was informed of their portion of the sales tax distribution for this month and there is an increase of \$1,867 over last years payment for this month.

CONCERNS OF THE PEOPLE. None



MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

NEW BUSINESS

RESOLUTION NO. 246-05  
PRELIMINARY BUDGET, SETTING ELECTED OFFICIALS COMPENSATION AND  
PUBLIC HEARING APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS the Tentative Budget has been presented to the Town Board, and

WHEREAS the Town Board has conducted numerous budget workshops and determined that the Tentative Budget has been completed, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board accepts the Preliminary Budget as presented and sets a public hearing to allow and consider comments on the Preliminary Budget for 7:03 p.m. on October 26, 2005, and

FURTHER RESOLVED the Elected Officials salaries be set as follows:

Supervisor	28,360
Council (4)	6,564 each
Town Clerk	32,911
Tax Collector	6,741
Town Justices (1)	14,882
Town Justice (2)	15,180

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother

NAYS: None

ABSENT: Balland

MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

RESOLUTION NO. 247-05  
YOUTH COMMISSION MEMBER RESIGNATION APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS a letter was received from James P. Thompson, dated September 21, 2005, informing the Town Board that effective October 31, 2005 he is no longer able to be a member of the Youth Commission, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of James Thompson, 11 Forrest Drive, effective October 31, 2005 and request that the Town Supervisor, on behalf of the Town Board, send a letter of appreciation.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 248-05  
HARRIS HILL ROAD SPEED LIMIT INVESTIGATION REQUEST APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS due to the increased housing development along Harris Hill Road between it's intersection with County Route 64 and Halderman Hollow Road, Town residents have submitted a petition requesting a reduction of the speed limit on Harris Hill Road, and

WHEREAS the Town Board determines the speed limit investigation request to be adequate, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request the Chemung County Department of Public Works Commissioner conduct a speed limit investigation of Harris Hill Road.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

RESOLUTION NO. 249-05  
MEMORANDUM OF UNDERSTANDING WITH RSVP APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the Town of Big Flats has previously obtained the services of Retired and Senior Volunteer Program (RSVP) of Chemung County, and

WHEREAS the Town Board feels that it is necessary to continue the services of RSVP, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same,

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Memorandum of Understanding with RSVP.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 250-05  
NYS COMPTROLLER PREPAYMENT FOR ACCOUNTING SEMINAR APPROVED

Resolution by: Kaner  
Seconded by: Frisbie

WHEREAS New York State Comptroller is offering a Basic Accounting seminar October 25 through October 27, 2005, and

WHEREAS it has been determined that the Water Account Clerk should attend this seminar, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (25), now

BE IT THEREFORE RESOLVED the Town Board approves a prepayment to the NYS Comptroller in the amount of \$75.00 for the purpose of attending Basic Accounting School October 25-27, 2005 at the Town of Corning Town Hall.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

RESOLUTION NO. 251-05  
GENERAL FUND BUDGET TRANSFER / AMENDMENT APPROVED

Resolution by: Fairbrother  
Seconded by: Frisbie

WHEREAS in order to accumulate resources for future debt payments on long term debt, the Town Supervisor is recommending a budget transfer and amendment, and

WHEREAS for environmental review, purchasing or sale is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (25), now

BE IT THEREFORE RESOLVED the Town Board approves the following budget transfer and amendment:

FROM:	Contingency	A1990.0400	\$3,966.64
TO:	Transfer to Other Funds	A9901.0900	\$3,966.64

DEBT SERVICE FUND

Increase Estimated Revenues	V0510	\$3,966.64
Increase Transfer	V5031	\$3,966.64
Increase Reserve for Debt	V0884	\$3,966.64

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 252-05  
MRB GROUP AGREEMENT APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS the Town of Big Flats Planning Board has received a request from Telco Federal Credit Union for site plan approval for construction of a credit union banking institution, and

WHEREAS the Town of Big Flats Planning Board has determined that review of the plan submitted by Fagan Engineers is technical in nature and that a consultant is required for review on behalf of the Town, and

WHEREAS the MRB Group has agreed to provide review of the drainage study at a cost not-to-exceed \$2,500.00, and

WHEREAS, the Town Municipal Code, Section 2.12.050, requires that the applicant establish an account with the Town for payment of the consultant for the Town for their review of said application, and

MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

RESOLUTION NO. 252-05, MRB GROUP AGREEMENT APPROVED continued

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with the MRB Group, subject to the review and approval by the Attorney for the Town, for purposes of providing technical review for the Telco Federal Credit Union site plan application at a cost not-to-exceed two thousand five hundred dollars (\$2,500.00).

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

RESOLUTION NO. 253-05  
FACILITIES MANAGEMENT, LLC AGREEMENT APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the Town of Big Flats owns the property located at 471 Maple Street, commonly referred to as the Big Flats Post Office, and

WHEREAS there have been problems with ice backing up due to excess heat and a lack of ventilation in the attic, and

WHEREAS quotes were solicited and received, and Facilities Management, LLC has submitted an estimate for repairs in the amount of \$3,255.00, and

WHEREAS for environmental review purposes this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Supervisor be authorized to enter into an agreement with Facilities Management, LLC to provide the required repair services at a cost not to exceed \$3,255.00.

CARRIED: AYES: Gardner, Frisbie, Kaner, Fairbrother  
NAYS: None ABSENT: Balland

OLD BUSINESS

Sykora Property. A memo was received from Chuck Coons, dated October 12, 2005, informing the Town Board that the drop ceiling gridwork is complete; however, the ceiling tiles are not in place.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 12, 2005

RESOLUTION NO. 254-05

SNOW GUARDS FOR THE COMMUNITY CENTER AND DPW BUILDINGS APPROVED

Resolution by: Kaner

Seconded by: Gardner

WHEREAS the Town Board approved Resolution 186-05 authorizing a change order with Welliver McGuire, Inc. to install Snow Guards on the Community Center and DPW Buildings, and

WHEREAS the Town Board rescinds Resolution No. 186-05, and

WHEREAS a proposal has been received from Charles F. Evans Company, Inc. for labor and material not to exceed \$12,705.00 to install Snow Guards on the Community Center and DPW Buildings, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (1) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to sign the proposal with Charles F. Evans Company, Inc. for labor and material not to exceed \$12,705.00 to install Snow Guards on the Community Center and DPW Buildings.

CARRIED: AYES: Gardner, Kaner, Fairbrother

NAYS: Frisbie

ABSENT: Balland

CORRESPONDENCE

Vehicle Speed Hickory Grove Road/L. Moonschein. A letter was received from Linda Moonschein, 438 Hickory Grove Road, expressing her concern with the additional traffic and the speed of the vehicles on Hickory Grove Road.

Since there was no further business to come before the Town Board, Councilperson Gardner made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 5:07 p.m. All in favor, except Supervisor Balland was absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

MINUTES OF TOWN BOARD MEETING OF OCTOBER 26, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                                  Duane Gardner  
                                  Dean Frisbie  
                                  Leonard Kaner  
                  Clerk       Teresa Dean

ABSENT:           Attorney     Thomas Reed

Supervisor Balland called the Town Board Meeting to order at 7:00 p.m. and requested participation in the Pledge of Allegiance. Supervisor Balland reported that a RAMS meeting was held and the discussion was regarding taxes, consolidation of highways, landfill, and Medicaid.

PUBLIC HEARING: 7:03 P.M.     2006 Preliminary Budget

Supervisor Balland called the Public Hearing to order at 7:03 p.m. and read the legal notice published in the Elmira Star Gazette on October 15, 2005, to allow and consider public comments on the proposed 2006 Preliminary Budget.

IN FAVOR:         None  
OPPOSITION:     None  
COMMENTS:       None.

Since there were no further comments, the Public Hearing was closed at 7:05 p.m.

PUBLIC HEARING: 7:05 P.M.     Fire Protection District #1 Contract

Supervisor Balland called the Public Hearing to order at 7:06 p.m. and read the legal notice published in the Elmira Star Gazette on October 17, 2005, to allow and consider public comments concerning the renewal of proposed Fire Protection District #1 Contract with Town and Country Fire District.

IN FAVOR:         None  
OPPOSITION:     None  
COMMENTS:       None

Since there were no further comments, the Public Hearing was closed at 7:07 p.m.

NOTE: Attorney Reed arrived at 7:07 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to approve the minutes of September 28, 2005 as presented. All in favor, motion carried.

MINUTES OF TOWN BOARD MEETING OF OCTOBER 26, 2005

Councilperson Kaner made a motion, seconded by Councilperson Fairbrother, to approve the minutes of October 12, 2005 as presented. All in favor, except Supervisor Balland abstained. Motion carried.

CONCERNS OF THE PEOPLE. None

OLD BUSINESS

Sykora Property Report. A memo was received from Chuck Coons, Director of Building Inspection/Code Enforcement, dated October 26, 2005, reporting that there has been no changes on the Sykora property project since the last Town Board meeting.

RESOLUTION NO. 255-05  
2006 PRELIMINARY BUDGET APPROVED

Resolution by: Fairbrother  
Seconded by: Gardner

WHEREAS the Town Supervisor has prepared the 2006 Preliminary Budget, and

WHEREAS a Public Hearing for said Preliminary Budget was duly held on October 26, 2005 at 7:03 p.m., and

WHEREAS for environmental purposes this is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(20) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED that the Town Board adopts the 2006 Budget as submitted on October 15, 2005, titled "Town of Big Flats Preliminary Budget for the Fiscal Year 2006".

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: Kaner



MINUTES OF TOWN BOARD MEETING OF OCTOBER 26, 2005

RESOLUTION NO. 256-05

FIRE PROTECTION DISTRICT #1 CONTRACT FOR 2006; 2007; AND 2008 APPROVED

Resolution by: Kaner  
Seconded by: Gardner

WHEREAS the Town of Big Flats has Fire Protection District No. 1 within the Town that requires an agreement for the purposes of providing fire and emergency protection, and

WHEREAS the Town Board duly advertised and held a public hearing on October 26, 2005, and

WHEREAS for environmental purposes, agency administration is a Type II Action in accordance with 6NYCRR Part 617.5(c)(20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Agreement for Fire Protection District #1 with Town and Country Fire District for renewal of said Agreement for 2006 in the amount of \$101,970.00; for 2007 in the amount of \$102,960.00; and for 2008 in the amount of \$103,950.00 subject to the review and approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

NEW BUSINESS

RESOLUTION NO. 257-05

SOUTHERN TIER BUILDING OFFICIALS CONFERENCE ATTENDANCE APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the Southern Tier Building Officials (STBOA) conference is a training conference for Code Enforcement Officers, and

WHEREAS New York State requires code officials to obtain 24 credit hours of training to maintain state certification, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Charles Coons and Eric Corey to attend the STBOA conference with all appropriate expenses to be paid from the appropriate budgets.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 26, 2005

RESOLUTION NO. 258-05  
PARKS AND DRAINAGE DEPARTMENT LAY-OFFS APPROVED

Resolution by: Gardner  
Seconded by: Fairbrother

WHEREAS there is a recognized lack of work in the Town Department of Parks and Drainage during the upcoming winter months due to regular seasonal changes, and

WHEREAS as a result of such work shortage, the Town does not require the services of a laborer in the Department of Parks and a mechanical machine operator in the Department of Drainage, and

WHEREAS Steven M. Furney is the only remaining laborer in the Department of Parks, and as such is the least senior individual in the Department and the subject job title, and

WHEREAS Leon Stiles is the only remaining MEO II in the Department of Drainage, and as such is the least senior individual in the Department and the subject job title, and

WHEREAS the administration and management of Town personnel is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c)(20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board hereby concurs with the Commissioner of Public Works to lay off Steven M. Furney, Laborer, Department of Parks and Leon Stiles, MEO II, Department of Drainage, effective November 4, 2005.

CARRIED: AYES: Gardner, Fairbrother, Balland  
NAYS: Frisbie, Kaner

RESOLUTION NO. 259-05  
ATTORNEY FOR THE TOWN REPRESENTATION IN UNION NEGOTIATIONS  
APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS the Town of Big Flats highway union contract will expire on December 31, 2005, and

WHEREAS representation of the Town in said negotiations is outside the general employment parameters for the Attorney for the Town, and

WHEREAS the administration and management of Town personnel is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c)(20) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF OCTOBER 26, 2005

RESOLUTION NO. 259-05, ATTORNEY FOR THE TOWN REPRESENTATION IN UNION NEGOTIATIONS APPROVED continued

BE IT THEREFORE RESOLVED that the Town Board appoints Thomas Reed II, Attorney for the Town, to represent the Town of Big Flats in the contract union negotiations at the rate of \$90.00 per hour.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 260-05  
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the employment advertisement and expenses in data processing has resulted in an over budget and requires a transfer, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (25), now

BE IT THEREFORE RESOLVED the Town Board approves the following budget transfer:

FROM:	Contingency	A1990.0400	\$2,500.00
TO:	Town Board	A1010.0400	\$2,500.00

and

FROM:	Contingency	A1990.0400	\$1,000.00
TO:	Data Processing	A1680.0400	\$1,000.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF OCTOBER 26, 2005

RESOLUTION NO. 261-05  
A RESOLUTION AUTHORIZING A GENERAL FUND BUDGET TRANSFER

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS personnel changes requires a transfer to accommodate Unemployment Compensation, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (25), now

BE IT THEREFORE RESOLVED the Town Board approves the following budget transfer:

FROM:	Drainage	A8540.0100	\$2,825.00
	Parks	A7110.0100	\$1,603.00
	Buildings	A1620.0100	\$ 764.00
	Cemeteries	A8810.0100	\$ 98.00
TO:	Unemployment Insurance	A9050.0800	\$5,290.00

CARRIED: AYES: Gardner, Fairbrother, Kaner, Balland  
NAYS: Frisbie

RESOLUTION NO. 262-05  
ABSTRACT OF AUDITED VOUCHERS FOR OCTOBER 2005 APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for October 2005, vouchers 3542 - 3642, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$72,027.23
HIGHWAY FUND	\$39,978.32
WATER DISTRICT #1	\$ 6,997.22
WATER DISTRICT #2	\$ 4,652.34
WATER DISTRICT #3	\$ 1,452.16
WATER DISTRICT #4	\$ 1,066.94
LIGHTING DISTRICT	\$ 695.93
CAPITAL PROJECT #8	\$ 1,088.77
TRUST & AGENCY	\$ 1,274.99

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

## MINUTES OF TOWN BOARD MEETING OF OCTOBER 26, 2005

### CORRESPONDENCE

West Hill Road A / H. Kesselring. A letter was received from Harry Kesselring, residing at 357 West Hill Road A, dated October 13, 2005, notifying the Town Board of the condition of and failed maintenance to the ditches along both sides of West Hill Road A.

Liquor License Renewal Notification / Ruby Tuesday, Inc. A letter was received from Ruby Tuesday, Inc., dated October 4, 2005, informing the Town of Big Flats that they intend to renew their liquor license.

Steege Hill Road Investigation Notification / NYSDOT. A letter was received from Gary Funk, Regional Traffic Engineer for New York State Department of Transportation, dated October 13, 2005, informing the Town Board that they have completed their investigation of Steege Hill Road and determined the speed limit to be 45 MPH. Mr. Funk also provided some suggestions for additional signage, repainting of centerline markings, and tree removal.

Operation Notification / Chase-Pitkin. A letter was received from Chase-Pitkin Home and Garden, dated October 17, 2005, informing the Town Board of their intent to cease operations permanently on or about January 1, 2006.

Since there was no further business to come before the Town Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the Town Board meeting at 7:19 p.m. All in favor, motion carried.

### WATER BOARD

Supervisor Balland called the Water Board meeting to order at 7:19 p.m.

### NEW BUSINESS

#### RESOLUTION NO. 263-05

#### DELINQUENT WATER DISTRICTS #2, #3, AND #4 CUSTOMERS FOR INCLUSION ON THE TAX ROLL APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the Town Board has received a list of all delinquent water customers for Water Districts #2, #3, and #4, dated October 24, 2005, and

WHEREAS said water customers have been notified that said delinquent bills must be paid by October 28, 2005, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR Part 617.5 (c) (20), now

MINUTES OF TOWN BOARD MEETING OF OCTOBER 26, 2005

RESOLUTION NO. 263-05, DELINQUENT WATER DISTRICTS #2, #3, AND #4  
CUSTOMERS FOR INCLUSION ON THE TAX ROLL APPROVED continued

BE IT THEREFORE RESOLVED the Town Board delegates authority, if necessary, to make changes to the proposed delinquent water customers list to the Account Clerk for the Water Department and the Water Systems Supervisor, and

FURTHER RESOLVED the Town Board authorizes the delinquent water customers list as of October 28, 2005 for Water Districts #2, #3, and #4 be forwarded to the Chemung County Real Property Tax Services for inclusion on the 2006 tax bills.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

Since there was no further business, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the Water Board meeting at 7:23 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                              Duane Gardner  
                              Dean Frisbie  
                              Leonard Kaner  
                  Attorney     Thomas Reed  
                  Clerk       Teresa Dean

Supervisor Balland called the Town Board meeting of November 9, 2005 to order and requested participation in the Pledge of Allegiance.

### REPORTS

The following reports for October 2005 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; SPCA and Dog Licensing Monthly Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report; Assessor's Monthly Report; Community Center Monthly Report; Department of Public Works Monthly Report; and Parks Commission Minutes.

### CONCERNS OF THE PEOPLE

Gary Bernhardt, 809 Harris Hill Road, reported that when traveling north on Kahler Road and making a left to enter the west bound access ramp for Interstate 86 there are no markings and during rainy or dark evenings it is very dark. He also stated that the access ramp does not leave much room to accelerate prior to merging onto Interstate 86.

Mike Nicolo, 458 Sing Sing Road, stated that Community Day, Inc. financial reports show a net profit of approximately \$1,000.00 over last year. He also reported that the business donations have been bigger and better than previous years. The board is considering different weekends for next year and Mr. Nicolo also reported that as of December his term would be ending with Big Flats Community Day, Inc.

Mr. Nicolo also provided a brief overview of the request to install flags on the lighted telephone poles within the hamlet. Supervisor Balland stated that the Town needed to discuss the issues with the Town insurance agency prior to commencing any work.

### NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

RESOLUTION NO. 264-05  
SUPPORTING AND CONCURRING WITH THE CITY OF ELMIRA APPLICATION FOR  
RE-DESIGNATION OF CERTAIN AREAS AS AN EMPIRE ZONE APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS, pursuant to Section 961 of the General Municipal Law, the City of Elmira authorized, pursuant to Local Law No. 2 of 1996 and this municipality concurred, pursuant to Local Law No. 1 of 1996, an application for designation of certain areas as an Empire Zone within the meaning of said statute, such designation was approved by the New York State Commissioner of Economic Development and was formally designated by the Empire Zones Designation Board on December, 30, 1996; and

WHEREAS, the New York State Legislature and the Governor have enacted into law changes to the Empire Zones program, whereby each existing Empire Zone must configure its existing zone acreage into three "distinct and separate contiguous" areas; the boundaries of said areas to be included in said Empire Zone within this municipality shall be as set forth in Schedule A, which is attached hereto and made a part hereof; and

WHEREAS, pursuant to Sections 957(d) and 961 of the General Municipal Law, the City of Elmira has proposed the re-designation of the existing Elmira Empire Zone into three "distinct and separate contiguous areas", which will include portions of the Town of Big Flats; and

WHEREAS, such re-designation could greatly benefit the Town of Big Flats in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area and new and expanded businesses would generate new jobs for Big Flats residents; and

WHEREAS, the City of Elmira intends to authorize the submission of an application for the re-designation of areas within the Town of Big Flats as an Empire Zone; and

WHEREAS, the City of Elmira wishes to re-designate certain areas within the Town of Big Flats as part of the proposed Empire Zone; and

WHEREAS, the Town of Big Flats is desirous of working with the City of Elmira through the Empire Zone Program to provide enhanced job opportunities for its residents; now

BE IT THEREFORE RESOLVED, by the Board of the Town of Big Flats, New York that it fully supports and concurs in the submission of an application by City of Elmira for the re-designation of certain areas as an Empire Zone.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

RESOLUTION NO. 265-05  
TOWN OF BIG FLATS HAZARD MITIGATION PLAN APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

WHEREAS it is recognized that the Town is at risk from various manmade and natural hazards, including petroleum spills, flooding, and, severe storms, hazardous material releases, etc., and

WHEREAS an impact associated with these threats is that an event can negatively affect the lives of the residents of the Town either by direct threat to their property or increasing the cost of maintenance of Town properties, roads, bridges and watercourses, and

WHEREAS the Town did undertake through the Chemung County Emergency Management Office a review of the impacts from natural and manmade hazards on the Community and that the Emergency Management Office did provide as a suggested course of action a Hazard Mitigation Plan, and

WHEREAS the Town has reviewed and considered the Hazard Mitigation Action Plan, dated October 2004 as prepared in conjunction with the Southern Tier Regional Planning and Development Board representative, Janet Thigpen, and

WHEREAS this Board finds that this Mitigation Plan accurately identifies the natural and manmade hazards and recommends acceptable solutions that will benefit Town residents and businesses, now

BE IT THEREFORE RESOLVED that for environmental review purposes that this Board finds the adoption of this plan to be a Type II Action in accordance with 6NYCRR Part 617.5(c)(18) & (27) and requires no environmental review under SEQRA, and

FURTHER RESOLVED that the Town of Big Flats Hazard Mitigation Action Plan dated October 2004 is adopted.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

RESOLUTION NO. 266-05  
RICHARD LONG TIMBER HARVESTING APPROVED

Resolution by: Gardner

Seconded by: Frisbie

WHEREAS a Timber Harvesting Application has been received from Mr. Richard Long to harvest approximately 34,000 board feet of timber from approximately 20 acres of land, Tax Parcel #46.00-3-44.3, and

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will consist of a select cut of timber.
2. The timber harvesting will begin in November 2005 following Town Board approval.
3. Disturbed areas including skid trails, haul roads, and the landing area will be smoothed on completion of the logging operation and seeded with rye grass, as needed.
4. Diversion ditches and water bars as required will be installed to prevent erosion.

BE IT THEREFORE RESOLVED the application for a Timber Harvesting Permit submitted by Richard Long be approved as follows:

1. The Timber Harvesting will be done in accordance with Chapter 5.16 of the Town of Big Flats Municipal Code.
2. The logging operation, as proposed, will involve trucks using Owen Hollow Road and Olcott Road to Interstate 86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield.
3. The transport of logs may only occur between the hours of 8:00 a.m. to 9:00 p.m. daily with the exception that on days that public schools are in session the transport of logs is not to occur earlier than 8:30 a.m. or between the hours of 1:30 and 4:30 p.m.
4. Owen Hollow Road shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and will be cleaned when required by the Code Enforcement Officer as a result of inspections he may perform.
5. A performance bond or certified check in the amount of \$600.00 must be posted with the Town Clerk prior to beginning the timber harvesting operation. The bond or check will be returned upon the satisfactory completion of all logging operations, compliance with the conditions of this resolution, and a final inspection of the timber harvesting site by the logger involved, Foresters, the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
6. The logger shall obtain and file proof of Vehicle, General Liability Insurance, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and property damage of \$250,000 for logging operations with the Code Enforcement Officer at least two business days prior to commencing any work. Said proof of insurance must name the Town of Big Flats as additional insured and be approved by the Town Attorney prior to the commencement of work.

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

RESOLUTION NO. 266-05, RICHARD LONG TIMBER HARVESTING APPROVED  
continued

7. As work progresses, the logger shall install diversion ditches and/or water bars as necessary to prevent soil erosion on haul roads, skid trails, and at the landing area.
8. Upon completion of the logging operation, all skid trails, roads and landing areas shall be graded and seeded with rye grass as needed.
9. Upon completion of the harvesting activity, reclamation of the site shall be performed by the logger. Haul roads shall have water bars placed at the following intervals:

ROAD GRADE	SPACING IN FEET
2-5%	300-500 FT.
6-10%	200-300 FT.
11-15%	100-200 FT.
16 & GREATER	100 FT.

10. The logger shall notify the Code Enforcement Office within five days of completion to coordinate on-site inspections.
11. The logging site shall be subject to periodic inspections by the Code Enforcement Officer and Chemung County Soil and Water Conservation Service representatives at any time during the course of the operation. These inspections will be done during the normal working hours of the logger.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 267-05  
SMITHOME FARMS L.P. TIMBER HARVESTING BOND RELEASE / AMENDMENT  
APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS the Town Board approved Resolution No. 78-05 which authorized Timber Harvesting on lands owned by Smithome Farms L.P. to harvest approximately 45,000 board feet of timber from approximately 10 acres of land, Tax Parcel #86.00-1-8.3, and

WHEREAS the applicant, Smithome Farms L.P. has replaced the previous logger and hired Long Logging which results in the release of the previously posted performance bond, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the release of a performance bond in the amount of \$300.00 to Steve Schiano, 11751 State Route 70, Swain, New York, and

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

RESOLUTION NO. 267-05, SMITHOME FARMS L.P. TIMBER HARVESTING BOND  
RELEASE / AMENDMENT APPROVED continued

FURTHER RESOLVE the Timber Harvesting Permit submitted by Smithome Farms L.P. be approved with the terms and conditions as set forth in Resolution No. 78-05.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 268-05  
VOID CHECK NO. 2344 & 2404, DATED APRIL 29, 2005 APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Town Board approved the April 2005 Abstract of Audited Vouchers, and

WHEREAS two checks issued in the April 2005 Abstract of Audited Vouchers have not been cashed and have passed the required cashing period, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void the following checks:

Check No. 2344, \$1.00, dated April 29, 2005 issued to Conrad Zurich  
Check No. 2404, \$1.00, dated April 29, 2005 issued to Robert Izzo

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 269-05  
SUMMER T.A.F.F.Y. EMPLOYEE SALARY AMENDMENT APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

WHEREAS the Youth Commission had designated Winter T.A.F.F.Y. for September 30, 2005 through April 10, 2006 and recommended the appointment of Erica Brown, Alyssa Case, Timothy Hutten, Chad Sozanski and Kathleen VonBevern, and

WHEREAS it has been determined the salary rate of Erica Brown was inaccurate and requires an amendment, and

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

RESOLUTION NO. 269-05, SUMMER T.A.F.F.Y. EMPLOYEE SALARY AMENDMENT  
APPROVED continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board concurs with the appointment of Erica Brown, 15 Woodland Way, Big Flats at the rate of \$7.25 per hour retroactive to September 30, 2005.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION 270-05  
SPECIAL MEETING FOR SATURDAY, NOVEMBER 19, 2005 AT 10:00 A.M. APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS the Town Board duly created and advertised for the position of Director of Planning, and

WHEREAS resumes' have been received for said position and the Town Board has determined a Special Meeting is necessary for the purposes of interviewing potential candidates, and

WHEREAS, this is a Type II administrative action under SEQRA and thus no further environmental review is necessary, now

BE IT THEREFORE RESOLVED the Town Board sets a Special Meeting for the purpose of interviewing potential candidates for the position of Director of Planning to be held on November 19, 2005 at 10:00 a.m. at the Community Center Conference Room.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

RESOLUTION NO. 271-05  
PREPAYMENTS TO JUDY JANOWSKI AND SNAKES-N-STUFF APPROVED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS the Youth Commission had scheduled children events for the month of November that require prepayments, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to prepare and the Town Supervisor to sign a prepayment of \$70.00 payable to Judy Janowski and \$150.00 to Snakes-N-Stuff.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

CORRESPONDENCE

Harris Hill Road Investigation/CC Executive. A letter was received from Honorable Thomas Santulli, County Executive, dated October 20, 2005, informing the Town Board that he had requested a recommendation from the Chemung County Sheriff's Department and Commissioner of Public Works regarding the request for a reduced speed limit on Harris Hill Road.

Harris Hill Road Investigation Support/CC Legislature, O'Brien. A letter was received from Honorable Daniel O'Brien, Chemung County Legislature for District #2, dated October 20, 2005, informing the Chemung County Commissioner of Public Works that he was in support of the request for a reduced speed limit on Harris Hill Road.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 4:52 p.m. All in favor, motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 4:52 p.m.

NEW BUSINESS

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

RESOLUTION NO. 272-05  
PUBLIC HEARING FOR WATER DISTRICT NO. 3 EXTENSION APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS a petition for an extension to Water District No. 3 has been presented and filed with the Town Board on or about November 3, 2005, and

WHEREAS the boundaries of the proposed extension to said district are set forth and described in the following:

All that tract or parcel of land situate in the Town of Big Flats, County of Chemung, State of New York, all as shown on a plan entitled "District Extension Report for the Christian & Missionary Alliance Church of Big Flats", prepared by Fagan Engineers dated September 2005, Project No. 2005-081 and being more particularly bounded and described as follows:

All that tract or parcel of land lying in the Town of Big Flats, County of Chemung and State of New York bounded and described as follows:

Beginning at a point in Sing Sing Road being the northeast corner of Extension No. 08-1996 to the Big Flats Water District No. 3 on the west boundary of Extension No. 01-1998 to the Big Flats Water District No. 3; thence S 55-38-21 W along the boundary of Extension No. 08-1996 to the Big Flats Water District No. 3 a distance of 965.69 feet to a point; Thence N 33-52-31 W along the boundary of Extension No. 08-1996 to the Big Flats Water District No. 3 a distance of 416.52 feet to a point; Thence N 14-03-25 W a distance of 253.86 feet along the westerly boundary of property of the Christian and Missionary Alliance Church of Big Flats to a point; Thence N 21-06-50 W a distance of 228.67 feet along the westerly boundary of property of the Christian and Missionary Alliance Church of Big Flats to a point; Thence N 66-21-22 W a distance of 442.43 feet along the northerly boundary of property of the Christian and Missionary Alliance Church of Big Flats to a point; Thence N 22-24-35 W a distance of 221.20 feet along the boundary of property of the Christian and Missionary Alliance Church of Big Flats and its extension to a point in the centerline of Sing Sing Road; Thence N 65-10-24 E along the centerline of Sing Sing Road a distance of 67.34 feet to a point; Thence along the centerline of Sing Sing Road on an arc to the right of radius 324.68 feet having a chord bearing and length of N 89-42-23 E, 247.21 feet a distance of 253.61 feet to a point; Thence N 54-40-46 a distance of 53.42 feet to an angle point in the westerly boundary of Extension No. 01-1998 to the Big Flats Water District No. 3; Thence along the westerly boundary of Extension No. 01-1998 to the Big Flats Water District No. 3 S 34-41-20 E a distance of 178.04 feet to a point; Thence S 55-58-07 W a distance of 220.11 feet through Sing Sing Road and along the boundary of property of the Christian and Missionary Alliance Church of Big Flats to a point; Thence S 35-21-15 E a distance of 636.43 feet along the boundary of property of the Christian and Missionary Alliance Church of Big Flats to a point; Thence N 55-11-50 E a distance of 223.61 feet along the boundary of

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

RESOLUTION NO. 272-05, PUBLIC HEARING FOR WATER DISTRICT NO. 3  
EXTENSION APPROVED continued

property of the Christian and Missionary Alliance Church of Big Flats and through a portion of Sing Sing Road to a point on the westerly boundary of Extension No. 01-1998 to the Big Flats Water District No. 3; Thence S 35-30-48 E along the westerly boundary of Extension No. 01-1998 to the Big Flats Water District No. 3 to the point and place of beginning; Said lands also being the property of the Christian and Missionary Alliance Church of Big Flats shown as Parcel No. 7, Block 2, Sheet 48.03 of the Chemung County tax maps for the Town of Big Flats and portions of Sing Sing Road adjoining it.

WHEREAS a map, plan and report detailing said extension accompanied said petition, dated September 2005, entitled "District Extension Report for the Christian & Missionary Alliance Church of Big Flats", prepared by Fagan Engineers dated September 2005, Project No. 2005-081, a copy of which is on file with the Town Clerk; and

WHEREAS the improvements proposed consist of the construction of a water system serving said proposed extension area at the approximate locations and in the manner set forth and described in said map, plan and report, and

WHEREAS the maximum amount proposed to be expended for such improvement is \$0; the estimated cost of hook up fees is \$825.00 and the estimated cost of the extension to the typical property and, if different, the typical one or two family home, \$0, the annual estimated usage charge is \$300.00, and

WHEREAS no financing is necessary to complete such improvement, and

WHEREAS the above action is an Unlisted action for the purposes of SEQRA, with the Town of Big Flats Town Board hereby being declared the lead agency thereon; and

WHEREAS the Town will make a determination if the implementation of the subject action will result in any significant adverse impact on the environment upon the completion of the public hearing set herein; now

BE IT THEREFORE RESOLVED pursuant to Town Law Section 193 that the Town Board of the Town of Big Flats shall meet at the Town Hall, located at 476 Maple Street, Town of Big Flats, on the 22<sup>nd</sup> Day of November 2005, at 4:33 o'clock P.M. for the purpose of conducting a public hearing on the proposal to extend Water District No. 3 as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered and authorized to publish a copy of this Order in the official paper for the Town, as required and provided for by law.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None



MINUTES OF TOWN BOARD MEETING OF NOVEMBER 9, 2005

Since there was no further business to come before the Water Board, Councilperson Fairbrother made a motion, seconded by Councilperson Kaner, to adjourn the meeting at 4:54 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

MINUTES OF SPECIAL TOWN BOARD MEETING OF NOVEMBER 19, 2005

PRESENT:	Supervisor	Mary Ann Balland
	Council	Leonard Kaner
		Edward Fairbrother
		Dean Frisbie

ABSENT:	Council	Duane Gardner
	Attorney	Thomas Reed
	Clerk	Teresa Dean

Supervisor Balland called the Town Board Meeting to order at 10:00 a.m.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother to enter into Executive Session for the purposes of conducting interviews of potential candidates for the position of Director of Planning. All in favor, except Councilperson Gardner was absent. Motion carried.

Supervisor Balland reconvened the Special Town Board meeting at 2:30 p.m. and adjourned said meeting.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 22, 2005

PRESENT:           Supervisor    Mary Ann Balland  
                  Council        Duane Gardner  
                                  Dean Frisbie  
                                  Leonard Kaner  
                  Attorney     Thomas Reed  
                  Clerk        Teresa Dean

ABSENT:           Council       Edward Fairbrother

Supervisor Balland called the Town Board meeting of November 22, 2005 to order and requested participation in the Pledge of Allegiance.

MINUTES

Councilperson Kaner made a motion, seconded by Councilperson Gardner, to approve the minutes of October 26, 2005 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Supervisor Balland made a motion, seconded by Councilperson Kaner, to approve the minutes of November 9, 2005 as presented. All in favor, except Councilperson Fairbrother was absent. Motion carried.

PUBLIC HEARING:           4:33 P.M.       Water District No. 3 Extension

Attorney Reed called the Public Hearing to order at 4:33 p.m. and read the legal notice published in the Elmira Star Gazette on November 15, 2005, to allow and consider public comments concerning the proposed Water District No. 3 Extension in the vicinity of the Christian and Missionary Alliance Church (a.k.a. Maranatha Bible Chapel).

IN FAVOR:           None  
OPPOSITION:       None  
COMMENTS:       None

Since there were no further comments, the Public Hearing was closed at 4:35 p.m.

NEW BUSINESS

RESOLUTION NO. 273-05  
THEODORE DANGELMAIER APPOINTMENT TO ASSESSMENT BOARD OF  
REVIEW APPROVED

Resolution by: Kaner  
Seconded by: Frisbie

WHEREAS the appointment term of Theodore Dangelmaier to the Board of Assessment Review expired on September 30, 2005, and

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 22, 2005

RESOLUTION NO. 273-05, ASSESSMENT BOARD OF REVIEW APPOINTMENT continued

WHEREAS Mr. Dangelmaier has expressed interest to be reappointed to said committee, and

WHEREAS the administration and management of Town personnel is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Theodore Dangelmaier to the Board of Assessment Review with a term ending September 30, 2010.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

RESOLUTION NO. 274-05  
ABSTRACT OF AUDITED VOUCHERS FOR NOVEMBER 2005 APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for November 2005, vouchers 3643 - 3769, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$43,793.63
HIGHWAY FUND	\$34,280.85
WATER DISTRICT #1	\$ 3,200.68
WATER DISTRICT #2	\$ 2,913.30
WATER DISTRICT #3	\$ 1,079.17
WATER DISTRICT #4	\$ 179.39
LIGHTING DISTRICT	\$ 696.59
CAPITAL PROJECT #8	\$ 609.25
TRUST & AGENCY	\$ 7,239.40

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

REPORTS

Supervisor Balland reported that Cornell Cooperative Extension has requested participation for a study along the Chemung River and further requested the Towns of Big Flats, Elmira and Chemung provide financial assistance for the matching funds.

Supervisor Balland stated there had been discussions of a Town moratorium specifically the area of County Route 64. Attorney Reed reviewed the purpose and procedures of a moratorium. He stressed that a moratorium would be for approximately 6-12 months and

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 22, 2005

essentially calls for a time-out on building projects. Laberge Group has informed the Town Supervisor that due to the proximity of commercial development and the municipal boundary line, there are grants that the Town may apply for.

RESOLUTION NO. 275-05  
GRANT APPLICATION APPROVAL

Resolution by: Balland  
Seconded by: Kaner

WHEREAS the Town Board has determined, upon recommendation of Laberge Group, that the Town of Big Flats may be eligible for a grant to study the concerns with County Route 64, and

WHEREAS the Laberge Group has agreed to assist and provide the required application, and

WHEREAS for environmental review purposes administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the necessary documentation and authorize the prepayment of \$3,000.00 for the purpose of processing said grant application.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

RESOLUTION 276-05  
SPECIAL MEETING FOR NOVEMBER 29, 2005 AT 4:00 P.M. APPROVED

Resolution by: Balland  
Seconded by: Gardner

WHEREAS the Town Board duly conducted interviews for the position of Director of Planning, and

WHEREAS it has been determined that the Town Board would like an additional meeting with a particular applicant for said position and the Town Board has determined a Special Meeting is necessary, and

WHEREAS, this is a Type II administrative action under SEQRA and thus no further environmental review is necessary, now

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 22, 2005

RESOLUTION 276-05, SPECIAL MEETING FOR NOVEMBER 29, 2005 AT 4:00 P.M. APPROVED continued

BE IT THEREFORE RESOLVED the Town Board sets a Special Meeting for the purpose of conducting a second interview of a potential candidate for the position of Director of Planning to be held on November 29, 2005 at 4:00 p.m.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland  
NAYS: None ABSENT: Fairbrother

EXECUTIVE SESSION. A motion was made by Supervisor Balland, seconded by Councilperson Frisbie, to enter into Executive Session at the conclusion of this meeting to discuss negotiations. All in favor, except Councilperson Fairbrother was absent. Motion carried.

CORRESPONDENCE

TWI Agreement / Time Warner Cable. A letter was received from David Whalen, Vice President of Time Warner Cable, dated November 11, 2005, informing the Town Board of their agreement with Comcast to redeem Comcast, Inc. interests in Time Warner Cable Inc.

ZBA Interest / D. Williams. A letter was received from Donald Williams, 14 Flint Road, dated October 25, 2005, informing the Town Board of his interest to be considered as a candidate of the Zoning Board of Appeals.

Supervisor Balland made a motion, seconded by Councilperson Kaner, to temporarily suspend the Town Board meeting at 5:00 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

WATER BOARD

Supervisor Balland called the Water Board meeting to order at 5:00 p.m.

NEW BUSINESS

RESOLUTION NO. 277-05

WATER DISTRICT NO. 3 EXTENSION TO INCLUDE THE MARANATHA BIBLE  
CHAPEL APPROVED

Resolution by: Kaner  
Seconded by: Frisbie

WHEREAS, the necessary map, plan and report was duly presented to the Town with the attached thereto according to law, requesting that an extension to Water District No. 3, as hereinafter described, be established in the Town, and

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 22, 2005

RESOLUTION NO. 277-05, WATER DISTRICT NO. 3 EXTENSION TO INCLUDE THE MARANATHA BIBLE CHAPEL APPROVED continued

WHEREAS, the Town Board duly adopted Resolution No. 272-05 at its regularly scheduled meeting on November 9, 2005, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified November 22, 2005 at 4:33 p.m. as the time, at the Town Hall in the Town of Big Flats as the place, where the Town Board would meet to consider a Resolution to approve the extension of Water District No. 2 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Board on this November 22, 2005, commencing at 4:33 p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS, the Town hereby determines upon review of the Short EAF, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Town Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA.

BE IT THEREFORE RESOLVED AND DETERMINED, that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED the establishment of the proposed extension to Water District No. 3, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report entitled, "District Extension Report for the Christian & Missionary Alliance Church of Big Flats", prepared by Fagan Engineers dated September 2005, having Project No. 2005-081, a copy of which is on file with the Town Clerk, and

FURTHER RESOLVED the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there is no costs to the Water District associated with this extension, and

MINUTES OF TOWN BOARD MEETING OF NOVEMBER 22, 2005

RESOLUTION NO. 277-05, WATER DISTRICT NO. 3 EXTENSION TO INCLUDE THE MARANATHA BIBLE CHAPEL APPROVED continued

FURTHER RESOLVED the Town Clerk of this Town shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

CARRIED: AYES: Gardner, Frisbie, Kaner, Balland

NAYS: None

ABSENT: Fairbrother

Since there was no further business to come before the Water Board, Supervisor Balland made a motion, seconded by Councilperson Kaner to adjourn the meeting at 5:04 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Supervisor Balland reconvened the Town Board meeting.

CONCERNS OF THE PEOPLE.

Larry Wagner, Commission of the Department of Public Works, reported that he contacted New York State Department of Transportation regarding Kahler Road interchange and the concerns of visibility and it will be evaluated.

The Town Board entered into Executive Session at 5:05 p.m. Supervisor Balland reconvened the Town Board meeting.

Councilperson Kaner made a motion, seconded by Councilperson Gardner to adjourn the meeting at 5:57 p.m. All in favor, except Councilperson Fairbrother was absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk



MINUTES OF SPECIAL TOWN BOARD MEETING OF NOVEMBER 29, 2005

PRESENT:	Supervisor	Mary Ann Balland
	Council	Duane Gardner
		Leonard Kaner
		Edward Fairbrother
	Attorney	Thomas Reed
ABSENT:	Council	Dean Frisbie
	Clerk	Teresa Dean

Supervisor Balland called the Town Board Meeting to order at 4:00 p.m.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother to enter into Executive Session for the purposes of conducting an interview of a potential candidate for the position of Director of Planning. All in favor, except Councilperson Frisbie was absent. Motion carried.

Supervisor Balland reconvened the Special Town Board meeting.

Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the Town Board meeting at 5:18 p.m. All in favor, except Councilperson Frisbie was absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

## MINUTES OF TOWN BOARD MEETING OF DECEMBER 14, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                                Duane Gardner  
                                Dean Frisbie  
                                Leonard Kaner  
                  Attorney     Thomas Reed  
                  Clerk       Teresa Dean

Supervisor Balland called the Town Board meeting of December 14, 2005 to order and requested participation in the Pledge of Allegiance.

### REPORTS

The following reports for November 2005 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report; Ag & Markets Monthly Report; SPCA and Dog Licensing Monthly Report; Justice Court Monthly Report; Building Inspector/Code Enforcement Monthly Report; Assessor's Monthly Report; Community Center Monthly Report; Department of Public Works Monthly Report; Parks Commission Minutes; and Youth Commission Minutes.

Supervisor Balland provided the Town Board with updates regarding the submittal of grants for Whitney Park, Intermunicipal grant submitted by LaBerge Group, a grant involving Cornell Cooperative Extension and the Chemung River; county wide grant dealing with mapping. An employment offer has been extended to a candidate for the position of Director of Planning. Calls had been received regarding the ownership of Heritage Lane and the lack of plowing. Supervisor Balland reiterated that Heritage Lane is not a Town road and the attorney for the developer has been contacted to determine the status of the road dedication. It is anticipated that the dedication for Heritage Lane will be on the agenda for December 28, 2005. During the last rainstorm it appeared that the drainage work conducted on Steege Hill Road and Ponderosa Drive worked.

### CONCERNS OF THE PEOPLE

Kip Burlew, 44 Algonquin Drive, stated the lights to the General Revenue building appear to be on at all hours of the day and night as a result the lights are shining into the adjacent neighborhood. There are further concerns that with the parking lot expansion there will be additional lighting. Mr. Burlew also asked that the Town make sure that a fence be installed between the property line and the adjacent neighborhood. He felt this would eliminate some of the vehicle lights shining in their windows and buffer the noise from the vehicle mufflers. Mr. Burlew also reported that during early Spring the water in the ditch between his house and Maple Shade Park stays in the ditch and has no place to run off.

## MINUTES OF TOWN BOARD MEETING OF DECEMBER 14, 2005

Mark Watts, 2866 State Route 352, stated he had the following questions regarding Soaring Ridge Subdivision:

- Has letter of credit been issued and approved by the Attorney for the Town;
- Have proper permits been issued by NYS Department of Environmental Conservation and by the Town of Big Flats for timber harvesting;
- Who is responsible for seeing that erosion control and barriers are in place;
- Has the perk test been completed and documentation submitted to the Town of Big Flats;
- How many phases and what are the sections for each phase;
- Has the final plat been filed in accordance with Town Law; and
- Has the certification of the final plat been filed with the Town Clerk?

Supervisor Balland requested Mr. Watts contact her to schedule a meeting to follow-up on his concerns.

### NEW BUSINESS

#### RESOLUTION NO. 278-05

#### SUPPORT OF APPLICATION FOR A REAL PROPERTY TAX ADMINISTRATION TECHNOLOGY IMPROVEMENT PROGRAM APPROVED

Resolution by: Fairbrother

Seconded by: Kaner

WHEREAS the New York State Office of Real Property Services (ORPS) has established the Real Property Tax Administration Technology Improvement grant program to better support local governments in their pursuit of real property tax equity, and

WHEREAS Chemung County is currently preparing a grant application to obtain funding for development of the county's Internet Map Server and related applications in cooperation with the county's municipalities, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town of Big Flats supports the grant application, and

FURTHER RESOLVED that a copy of this resolution be sent to the County Real Property Tax Service Agency for attachment to the grant application.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 14, 2005

RESOLUTION NO. 279-05

BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE APPROVED

Resolution by: Kaner

Seconded by: Fairbrother

WHEREAS the Big Flats American Legion submitted an application for a Games of Chance License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves the Application for a Games of Chance License, dated November 4, 2005, from the Big Flats American Legion Post 1612 to perform games of chance events as outlined in the application, subject to the Chemung County Sheriff's Department determining the designated members conducting games of chance are of good moral character.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland

NAYS: None

RESOLUTION NO. 280-05

BIG FLATS AMERICAN LEGION BINGO LICENSE APPROVED

Resolution by: Gardner

Seconded by: Frisbie

WHEREAS the Big Flats American Legion submitted an application for a Bingo License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for a Bingo License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

MINUTES OF TOWN BOARD MEETING OF DECEMBER 14, 2005

RESOLUTION NO. 280-05, BIG FLATS AMERICAN LEGION BINGO LICENSE  
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board approves the Application for a Bingo License, dated November 30, 2005, from the Big Flats American Legion Post 1612 to perform bingo events as outlined in the application subject to the Chemung County Sheriff's Department determining the designated members conducting bingo games are of good moral character.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

Youth Commission Appointment Recommendation. This item was tabled.

RESOLUTION NO. 281-05  
COMPREHENSIVE MASTER PLAN FOR THE CHEMUNG RIVER LED BY A  
MULTI-MUNICIPAL RIVER COUNCIL SUPPORT APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

WHEREAS Governor Pataki has made funding available for the Quality Communities Program to create partnerships that promote innovative and participatory community development based on sustainable economic development, conservation and restoration of natural and historic assets, community livability/quality of life, inclusiveness and a balance of development and open space protection, and

WHEREAS the City of Elmira in conjunction with the five towns of Big Flats, Elmira, Southport, Ashland and Chemung have formed a partnership including Cornell Cooperative Extension of Chemung County to build on the assets and potential of the Chemung River, and

WHEREAS this alliance of partnership has identified funding sources that may be available to implement specific river-related projects, however, each funding avenue requires the consistent schematics and cohesiveness of a comprehensive master plan for the river, and

WHEREAS the 2004 River Futures Visioning sessions organized by Cornell Cooperative Extension combined with the Elmira Downtown Development Action Plan documented community support to engage the City's waterfront, and

WHEREAS the next steps are to engage partner municipalities and residents to augment/refine the River Futures Vision and to employ services of an engineering/architectural firm to translate our vision into a comprehensive master design, and

MINUTES OF TOWN BOARD MEETING OF DECEMBER 14, 2005

RESOLUTION NO. 281-05, COMPREHENSIVE MASTER PLAN continued

WHEREAS Quality Communities Grant proposals require a cash match of 10% or \$4,200.00. The grant proposal cash match for the Town of Big Flats, based on population is \$496.00, and

WHEREAS this project is eligible for funding under the Quality Communities Program, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats hereby endorses and supports the submission of an application under the Quality Communities Program.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 282-05  
GIS COOPERATIVE INITIATIVE PROGRAM SUPPORT APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the GIS Cooperative has been working to improve Chemung County's internet mapping system, and

WHEREAS the cooperative is desirous of enhancing the system's resolution capabilities, and

WHEREAS it is recognized that these system upgrades will be of great benefit to our government agencies including planning, economic development, public works, code enforcement, law enforcement, emergency / disaster coordination, assessing, soil and water, agricultural management, transportation and others, and

WHEREAS it has been determined that the total cost of such system improvement is to be \$131,000.00, now

BE IT THEREFORE RESOLVED the Town of Big Flats shall commit a total of Five Thousand Dollars (\$5,000.00) to be paid over two years toward the furtherance of this effort.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

MINUTES OF TOWN BOARD MEETING OF DECEMBER 14, 2005

RESOLUTION NO. 283-05  
ORGANIZATIONAL MEETING DATE AND TIME APPROVED

Resolution by: Kaner  
Seconded by: Fairbrother

WHEREAS the Town Board has selected a date and time for the Town of Big Flats Organizational Meeting, and

WHEREAS this is a ministerial action and for environmental purposes is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(19) and as such no further review is necessary;

BE IT THEREFORE RESOLVED that the Town Board sets the Organizational Meeting for Wednesday, January 4, 2006 at 4:30 p.m.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

RESOLUTION NO. 284-05  
PUBLIC HEARING FOR PROPOSED MORATORIUM LOCAL LAW 1 OF 2006  
APPROVED

Resolution by: Fairbrother  
Seconded by: Kaner

WHEREAS the Town Board is considering the important recommendations recently received from the Town's consultants regarding the Town's proposed revised comprehensive plan, and

WHEREAS the Town and its adjoining municipalities have received significant applications and inquiries for development of business and industrial uses in the Town that demonstrate and poise a recognizable detrimental impact to the character, safety and sustainability of the Town, and

WHEREAS the Town recognizes the existing Municipal Code and infrastructure in the Town may be inadequate to deal with this type of high impact development, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20), (27) and (27) and as such no further action is necessary regarding the same, now

## MINUTES OF TOWN BOARD MEETING OF DECEMBER 14, 2005

### RESOLUTION NO. 284-05, PUBLIC HEARING FOR PROPOSED MORATORIUM LOCAL LAW 1 OF 2006 APPROVED continued

BE IT THEREFORE RESOLVED that the Town Board sets a public hearing on January 25, 2006 at 7:05 p.m. to hear comments regarding proposed Local Law No. 1 of 2006 titled "A Local Law enacting a Temporary Moratorium on the Processing, Review of and making decisions on all Applications for Site Plan Approval, Special Use Permits and Variances Relative to all Business and Industrial Uses in the Town of Big Flats".

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Kaner, Balland  
NAYS: None

### CORRESPONDENCE

Community Center Member Term/R. Thorborg. A memo was received from Robert Thorborg, dated October 24, 2005, informing the Town Supervisor that he would not be seeking to renew another term on the Big Flats Community Center Board; however, he recommended Jason Thompson be considered as a Youth Representative.

October Meeting Minutes/RAMS. A copy of the minutes of the October 25, 2005 Rural Association of Mayors and Supervisors was received which outlined discussions of shared services, highway superintendent meetings, court consolidation, Medicaid issues, county budget, health insurance rates, and Time Warner Cable agreements.

Site Development/NYS DOT. A letter was received from the New York State Department of Transportation, dated November 30, 2005, recommending that the Town of Big Flats, Town of Horseheads and Chemung County Transportation Council collaborate to develop corridor and access management plans to address current and future issues created by development near County Routes 35 and 64.

Quality Communities Grant Support/City of Elmira. A copy of a certified resolution passed by the City of Elmira supporting the submission of an application under the Quality Communities Program for the preparation of a comprehensive plan for the Chemung River led by a multi-municipal river council.

Rezoning Process/O. Qadeer. A letter was received from Omar K. Qadeer, dated November 23, 2005, requesting information on how the Town is processing the rezoning of the land owned by the Forums Development of America, LLC located off State Route 352.

Big Flats Development Break/B. Lloyd. A letter was received from Bob Lloyd, dated December 6, 2005, applauding the Town of Big Flats for considering a development moratorium along County Route 64.

Continuing Education Units/C. Coons. A memo was received from Chuck Coons, dated December 8, 2005, informing the Town Board that Eric Corey has met his CEU requirements; however, he is required to attend one training session.



MINUTES OF TOWN BOARD MEETING OF DECEMBER 14, 2005

Notice of Incomplete Application – Milton Roy/NYSDEC. A letter was received from New York State Department of Environmental Conservation, dated December 1, 2005, informing the Town Board of a notice of incomplete application received by Milton Roy for a mining permit renewal and modification at the Sing Sing Road gravel pit.

Renewed Permit and Updated Map – Rhinehart (T. Corning)/NYSDEC. A letter was received from the New York State Department of Environmental Conservation, dated December 1, 2005, informing the Town Board of a renewal of mined land permit and updated map for the Rhinehart Sand and Gravel Inc. Steele Pit in the Town of Corning.

Since there was no further business to come before the Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn the Town Board meeting at 5:02 p.m. All in favor. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk

# MINUTES OF TOWN BOARD MEETING OF DECEMBER 28, 2005

PRESENT:           Supervisor   Mary Ann Balland  
                  Council       Edward Fairbrother  
                                  Duane Gardner  
                                  Dean Frisbie  
                  Attorney     Thomas Reed  
                  Clerk       Teresa Dean

ABSENT:           Council       Leonard Kaner

Supervisor Balland called the Town Board meeting of December 28, 2005 to order and requested participation in the Pledge of Allegiance.

## MINUTES.

Councilperson Fairbrother made a motion, seconded by Councilperson Frisbie, to approve the minutes of November 19, 2005 as presented. All in favor, except Councilperson Kaner was absent. Motion carried.

Councilperson Gardner made a motion, seconded by Councilperson Frisbie, to approve the minutes of November 22, 2005 as presented. All in favor, except Councilperson Kaner was absent and Councilperson Fairbrother abstained. Motion carried.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to approve the minutes of November 29, 2005 as presented. All in favor, except Councilperson Kaner was absent. Motion carried.

CONCERNS OF THE PEOPLE. None.

## NEW BUSINESS

### RESOLUTION NO. 285-05 HERITAGE LANE ROAD DEDICATION APPROVED

Resolution by: Fairbrother  
Seconded by: Frisbie

WHEREAS Michael J. Belosky constructed a road known as Heritage Lane as shown on case map #2793 as recorded in the Chemung County Clerk's office on February 22, 1991, and

WHEREAS Michael J. Belosky has offered to dedicate to the Town, by deed, the roads located within Belosky subdivision, and

WHEREAS Michael J. Belosky has provided the Town surety in the form of an Irrevocable Standby Letter of Credit by Elmira Savings & Loan, F.A. to cover any failed construction of highway and utility systems per association with this dedication, and

MINUTES OF TOWN BOARD MEETING OF DECEMBER 28, 2005

RESOLUTION NO. 285-05, HERITAGE LANE ROAD DEDICATION APPROVED continued

WHEREAS the Commissioner of Public Works Larry Wagner, and Highway Supervisor Don Gaylord have inspected said road and found it is suitable for dedication, and

WHEREAS the acceptance of this road is an administrative Type 2 action under SEQRA 6NYCRR 617.5 (c)(26) and thus no environmental review action is required, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Commissioner of Public Works and the Highway Supervisor, hereby accepts the offer of dedication of said road as described above for all relevant purposes, contingent upon the necessary documentation being approved by the Attorney for the Town, and

FURTHER RESOLVED the Town Supervisor is hereby authorized to execute and file any and all documents to effectuate the acceptance of said roads, subject to the review and approval of the Attorney for the Town.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

RESOLUTION NO. 286-05

RECREATION LEADER FOR THE YOUTH DEPARTMENT RESIGNATION ACCEPTED

Resolution by: Gardner  
Seconded by: Frisbie

WHEREAS a letter was received from Nancy Reidy, dated December 16, 2005, informing the Town Board that effective January 1, 2006 she is resigning as the Recreational Leader for the Town of Big Flats, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Nancy Reidy effective January 1, 2006 and requests that the Town Supervisor, on behalf of the Town Board, send a letter of appreciation.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

MINUTES OF TOWN BOARD MEETING OF DECEMBER 28, 2005

RESOLUTION NO. 287-05  
ZONING BOARD OF APPEALS MEMBER RESIGNATION APPROVED

Resolution by: Frisbie  
Seconded by: Fairbrother

WHEREAS a letter was received from David Manchester, dated December 22, 2005, informing the Town Board that effective December 31, 2005 he is no longer able to be a member of the Zoning Board of Appeals, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of David Manchester, 62 Beacon Lane, effective December 31, 2005 and requests that the Town Supervisor, on behalf of the Town Board, send a letter of appreciation.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

RESOLUTION NO. 288-05  
TOWN DIRECTOR OF PLANNING APPOINTMENT APPROVED

Resolution by: Fairbrother  
Seconded by: Frisbie

WHEREAS the Town Board adopted Resolution No. 228-05 formally authorizing the creation of a new full time position within the Town, tentatively titled "Director of Planning", to supervise and manage the Town Zoning, Planning and Code Enforcement offices, subject to the review, approval and classification of the Chemung County/City of Elmira Regional Civil Service Commission, and

WHEREAS there is no competitive list for this position, and

WHEREAS the Town Board duly advertised for said position, and

WHEREAS a number of candidates submitted detailed résumés and references to the Town for consideration for said position and the Town Board duly interviewed the appropriate candidates for the same, and

WHEREAS the hiring of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, and

WHEREAS Maureen Harding submitted a formal application for consideration for said position, and

MINUTES OF TOWN BOARD MEETING OF DECEMBER 28, 2005

RESOLUTION NO. 288-05, TOWN DIRECTOR OF PLANNING APPOINTMENT  
APPROVED continued

WHEREAS the Town hereby determined that Maureen Harding is a qualified candidate for said position to service provisionally, subject to the Regional Civil Service Commission's review and requirements, now

THEREFORE BE IT RESOLVED the Town Board hereby hires Maureen Harding for the position of Director of Planning, as a provisional appointment to said position consistent with Civil Service Law and subject to a satisfactory completion of a duly authorized background security and history check, and

FURTHER RESOLVED that Maureen Harding shall be paid \$47,000 per years, receive full Town benefits, and be entitled to the benefits of and subject to the terms and conditions of the Town Employee Handbook, as amended, and

FURTHER RESOLVED the Town Supervisor is hereby authorized to complete and sign the appropriate Report of Personnel Change and Extended Payroll Certification (RPC) for this hiring.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

Supervisor Balland added the vacation carryover request, executive session and insurance carrier to the Agenda.

RESOLUTION NO. 289-05  
GENERAL FUND BUDGET TRANSFER APPROVED

Resolution by: Balland  
Seconded by: Fairbrother

RESOLVE the Town Board has determined that the following budget transfer is required:

FROM:	Contingency	A1990.0400	\$5,300.00
TO:	Supervisor	A1220.0100	\$2,800.00
	Dept. of Public Work	A1490.0100	\$2,000.00
	Data Processing	A1680.0400	\$ 300.00
	Traffic Control	A3310.0400	\$ 200.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

MINUTES OF TOWN BOARD MEETING OF DECEMBER 28, 2005

RESOLUTION NO. 290-05  
BUDGET MODIFICATION APPROVED

Resolution by: Fairbrother  
Seconded by: Gardner

RESOLVE the Town Board has determined that the following budget modification is required:

FROM:	Bond Anticipation Note Interest	A9730.0600	\$165,000.00
	Bond Anticipation Note Interest	A9730.0700	\$223,250.00
TO:	Serial Bond Principal	A9710.0600	\$165,000.00
	Serial Bond Principal	A9710.0700	\$223,250.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

RESOLUTION NO. 291-05  
HIGHWAY FUND BUDGET TRANSFER & AMENDMENT APPROVED

Resolution by: Frisbie  
Seconded by: Gardner

RESOLVE the Town Board has determined that the following budget transfer is required:

FROM:	Machinery	D5130.0400	\$716.00
TO:	Supt. Of Highway	D5010.0100	\$716.00, and

FURTHER RESOLVED as a result of the Highway Department receiving a \$16,000.00 New York State MS4 Grant for good housekeeping, cleaning and beautifying town roads the following budget amendment is required:

Increase Estimated Revenues	D0510	\$16,000.00
Increase – State Aid Public Safety	D3389	\$16,000.00
Increase Appropriations	D0960	\$16,000.00
Increase – General Repairs	D5110.0400	\$16,000.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

MINUTES OF TOWN BOARD MEETING OF DECEMBER 28, 2005

RESOLUTION NO. 292-05  
WATER FUND BUDGET TRANSFER APPROVED

Resolution by: Fairbrother  
Seconded by: Frisbie

RESOLVE the Town Board has determined that the following budget transfer is required:

FROM:	S & S Power & Pump	S18320.0400	\$2,000.00
TO:	Trans & Distribution	S18340.0400	\$2,000.00

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to rescind Resolution No. 292-05 and added a Special Water Board meeting for December 28, 2005 to be called to order immediately following the Town Board meeting. All in favor, except Councilperson Kaner was absent. Motion carried.

RESOLUTION NO. 293-05  
ABSTRACT OF AUDITED VOUCHERS FOR DECEMBER 2005 APPROVED

Resolution by: Balland  
Seconded by: Gardner

RESOLVE that the Town Board approve the Abstract of Audited Vouchers for December 2005, vouchers 3770 - 3885, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$409,784.96
HIGHWAY FUND	\$153,656.01
WATER DISTRICT #1	\$ 4,080.23
WATER DISTRICT #2	\$ 3,526.50
WATER DISTRICT #3	\$ 2,367.04
WATER DISTRICT #4	\$ 434.60
LIGHTING DISTRICT	\$ 696.68
CAPITAL PROJECT #8	\$ 12,705.00
TRUST & AGENCY	\$ 1,351.64

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

MINUTES OF TOWN BOARD MEETING OF DECEMBER 28, 2005

RESOLUTION NO. 294-05  
COURT CLERK VACATION CARRY OVER APPROVED

Resolution by: Balland  
Seconded by: Frisbie

WHEREAS the Town Employee Handbook permits an employee to carry over 150 vacation hours, and

WHEREAS a memo has been received from Helen Schwartz, Court Clerk, requesting authorization to carry over 15 hours of vacation time, and

WHEREAS this is a ministerial action and for environmental purposes is a Type II Action in accordance with 6NYCRR, Part 617.5(c)(19) and as such no further review is necessary, now

BE IT THEREFORE RESOLVED that the Town Board authorizes Helen Schwartz to carry 15 vacation hours over to 2006 to be used prior to January 31, 2006.

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session for the purposes of discussing a specific contract. All in favor, except Councilperson Kaner was absent. Motion carried.

Supervisor Balland reconvened the Town Board meeting.

RESOLUTION NO. 295-05  
PERRY & CARROLL, INC. AGREEMENT FOR 2006 APPROVED

Resolution by: Fairbrother  
Seconded by: Balland

WHEREAS the Town Board verbally solicited quotes from various insurance companies for Town of Big Flats property, commercial inland marine, general liability, crime, automobile, owner's protective liability, public officials liability and umbrella insurances, and

WHEREAS inquiries were received and quotes were submitted from Perry & Carroll, Inc. and W. J. Farmer Insurance as follows:

Perry & Carroll	\$63,660.00
W.J. Farmer Insurance:	
Erie	\$71,014.00
Clarendon	\$68,683.00
Argonaut	\$87,455.00, and



## MINUTES OF TOWN BOARD MEETING OF DECEMBER 28, 2005

### RESOLUTION NO. 295-05, PERRY & CARROLL, INC. AGREEMENT FOR 2006 APPROVED continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby accepts and authorizes the Town Supervisor to enter into an agreement with Perry & Carroll, Inc. for property, commercial inland marine, general liability, crime, automobile, owner's protective liability, public officials liability and umbrella insurances as outlined in their proposal dated December 27, 2005 at a cost not-to-exceed Sixty Three Thousand Six Hundred Sixty Dollars (\$63,660.00).

CARRIED: AYES: Gardner, Frisbie, Fairbrother, Balland  
NAYS: None ABSENT: Kaner

### CORRESPONDENCE

Soaring Ridge Concerns Reply. A copy of a letter sent to Mark Watts from Chuck Coons, Director of Code Enforcement and Planning, dated December 15, 2005, was received answering Mr. Watts concerns regarding Soaring Ridge subdivision.

BF Fire District #1 Election Results. A notice was received from Big Flats Fire District #1 informing the Town Board that Kasandra Reynolds was elected to a five (5) year term as Fire District Commissioner.

Harris Hill Road Speed Limit/NYS DOT. A letter was received from New York State Department of Transportation, dated December 15, 2005, informing the Town Board that the request for a speed reduction was granted for Harris Hill Road from County route 64 to Halderman Hollow Road.

2005 Annual Aid Certification/NYSORPS. A letter was received from the Office of Real Property Services, dated December 7, 2005, informing the Town Board that the 2005 annual aid certification for the Town of Big Flats was \$18,480.00 for 3,696 parcels.

A&P Redevelopment Traffic Review Outline/Fagan Engineers. A letter was received from Fagan Engineers, dated December 13, 2005, informing the Town of Horseheads of the suggested schedule regarding the review of the traffic impact study.

Supervisor Balland made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 4:58 p.m. All in favor, except Councilperson Kaner was absent. Motion carried.

### WATER BOARD

Supervisor Balland called the Special Water Board meeting to order at 4:58 p.m.

MINUTES OF TOWN BOARD MEETING OF DECEMBER 28, 2005

RESOLUTION NO. 296-05  
WATER FUND BUDGET TRANSFER APPROVED

Resolution by: Fairbrother

Seconded by: Frisbie

RESOLVE the Town Board has determined that the following budget transfer is required:

FROM:	S & S Power & Pump	S18320.0400	\$2,000.00
TO:	Trans & Distribution	S18340.0400	\$2,000.00

CARRIED:	AYES: Gardner, Frisbie, Fairbrother, Balland	
	NAYS: None	ABSENT: Kaner

Since there was no further business to come before the Water Board, Councilperson Fairbrother made a motion, seconded by Councilperson Gardner, to adjourn at 5:00 p.m. All in favor, except Councilperson Kaner was absent. Motion carried.

Date approved: \_\_\_\_\_

Teresa M. Dean, RMC/CMC  
Town Clerk